



2008 Human Rights Reports: Ukraine

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Ukraine, population 46 million, is a republic with a mixed presidential and parliamentary system, governed by a directly elected president and a unicameral parliament (the Verkhovna Rada) that selects a prime minister. Parliamentary elections were held in September 2007; according to international observers, fundamental civil and political rights were respected during the campaign, enabling voters to express their opinions freely. Five political parties and blocs held seats in the 450 member parliament. Civilian authorities generally maintained effective control of the security forces.

The police and penal systems continued to be sources of some of the most serious human rights concerns. They included instances of torture by law enforcement personnel, harsh conditions in prisons and detention facilities, and arbitrary and lengthy pretrial detention. The judiciary lacked independence and suffered from corruption. The government continued to be slow to return religious property. Societal violence against Jews continued to be a problem, as did anti-Semitic publications, although their number and circulation declined during the year. Serious corruption persisted in all branches of the government. Societal problems included violence and discrimination against women, including domestic violence and sexual harassment in the workplace, and against children, as well as increased violence against persons of non Slavic appearance. Discrimination against Roma continued. Trafficking in persons continued to be a serious problem. Workers continued to face limitations on their ability to form and join unions of their choice and to bargain collectively.

During the year the government closed the long criticized Pavshyne migrant detention facility and opened two migrant detention centers that comply with international standards. The Ministry of the Interior established human rights monitoring departments in all regions to monitor human rights performance by police during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, the media and human rights groups reported several allegations that security forces killed prisoners in custody. According to the Ministry of the Interior, three criminal investigations of police personnel were initiated on suspicion of, or charges of, unlawful killings in the first nine months of the year.

On July 9, the Vinnytsia Group for Human Rights (VGHR) expressed concern about a suspicious death that occurred in the Vinnytsia Penal Colony on July 3 and urged the Prosecutor General's Office (PGO) to investigate. Facility personnel allegedly beat a Roma man to death following a clash between the victim and other inmates. The victim's relatives claimed that his body was covered with bruises, while prison personnel insisted that he died of a heart attack.

According to the Chernihiv Society for Human Rights and the VGHR, Serhiy Kuntsevskiy died on October 2 in the office of the Pryluky city unit for combating organized crime in Chernihiv Oblast (region), after police allegedly raped and beat him to extract a confession. On October 3, the Chernihiv Oblast prosecutor's office opened a criminal case based on charges of causing grave bodily injuries and abuse of office. Officials detained four law enforcement personnel. On October 29, the news Web site proUA.com reported that Interior Minister Yuriy Lutsenko dismissed the chief of the Chernihiv Oblast unit for combating organized crime.

On February 14, the Ukrainian Independent Information Agency (UNIAN) reported that a police officer from Crimea, who tortured a suspect to death during interrogation in March 2007, was sentenced to eight and a half years in prison.

There were no reports of developments in a number of cases from 2007, including that of Petro Khudak, from the Nadvirna district of Ivano Frankivsk Oblast, who died in detention as a result of an alleged police beating in January 2007; a police officer from Sumy Oblast, who shot and killed a suspect from Trostyanets during interrogation on July 2007; or the personnel at the Lukianivka facility, charged with negligence that resulted in two deaths in July 2007.

Unlike in 2007 there were no reports of fatal attacks against politicians or politically active businessmen.

No information was available about the trial, which reportedly began in early 2007, of three police officers from Kharkiv who allegedly beat Oleh Dunich to death in December 2005.

On March 15, the Kyiv Court of Appeals found three former police officers guilty of murder in the 2000 killing of investigative journalist Georgiy Gongadze. The court sentenced Oleksandr Popovych and Valeriy Kostenko to 12 years in prison and Mykola Protasov to 13 years and ordered them stripped of their police ranks. The court found that the motivation behind the killing was political and related to Gongadze's professional activity. In early July the Supreme Court upheld the verdict. The journalist's widow, Myroslava Gongadze, continued her calls for a thorough investigation and expressed concern that a prime suspect, General Oleksiy Pukach, remained at large. On June 24, the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE) released a report about crimes by senior officials during the Kuchma era, urging the government to bring to justice the instigators and the organizers of Gongadze's killing.

There were continuing reports of deaths resulting from violence in the army; however, the Ukrainian Helsinki Human Rights Union (UHHRU) noted an increase in the number of investigations and disciplinary actions for those found responsible for hazing deaths. In the first nine months of the year, according to the PGO, authorities undertook 135 criminal investigations related to physical violence in the armed forces. In the same period, 167 servicemen were convicted of inflicting bodily injuries in hazing incidents. The State Judicial Administration confirmed that in the first six months of the year, courts convicted 84 persons for hazing, compared to 72 in the same period in 2007.

Instances of reported death as a result of hazing during the year included the following: According to the newspaper Fakty (October 15), a local military court sentenced Mykhailo Shaban to five years for killing draftee Andrian Poperechniy by a blow to the chest on February 10. Shaban reportedly testified to the Central Region Military Court of Appeals that he beat Poperechniy at an officer's request. The court ordered the Kyiv Central Office of the Military Service for Law Enforcement to pay the victim's parents and sister each 122,000 hryvnia (approximately \$15,800) in damages. The Kyiv garrison military prosecutor appealed to the Supreme Court, claiming the death resulted from a fight.

The newspaper Fakty wrote on July 29 that the parents of Maksym Babenko believed their son's death by suicide on

June 8 was the result of hazing he experienced in military service. The Dnipropetrovsk garrison military prosecutor began a criminal investigation.

On February 11, the PGO reported that the Kharkiv garrison military prosecutor completed his investigation of charges that a fellow soldier beat Yuriy Stashenko to death in December 2007; he forwarded the results of the investigation to the Kharkiv garrison local court.

There was no further information on the 2007 appeal by the family of Oleksandr Rybka, who contended that the sentences given the two soldiers convicted of beating Rybka to death while he was attending basic training in 2006 were too light.

There were reports that an investigation found no grounds to file charges in the March 2007 death of soldier Pavlo Bazyuk in Chop, Zakarpattia Oblast; his parents claimed that he died as a result of soldier on soldier violence. However, according to the PGO, military prosecutors opened a criminal case against the chief of military unit's medical staff for failing to provide proper medical treatment to Bazyuk, and the case went to court on April 24.

During the year Vice Prosecutor General Renat Kuzmyn confirmed that the former deputy head of the Ministry of the Interior's organized crime directorate in Donetsk, Roman Yerokhin, was killed in 2006 by a police officer and that the case had been forwarded to court. On December 8, proUA.com reported that the PGO forwarded a criminal case to the Kyiv Court of Appeals charging five members of a criminal gang for the killing. At year's end the investigation was ongoing to determine who ordered the killing.

In an interview in Ukrayinska Pravda on January 12, Prosecutor General Oleksandr Medvedko stated that an investigation into the 1999 death of prominent nationalist and Ukrainian People's Movement leader Vyacheslav Chornovil was continuing.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While the constitution and the law prohibit such practices, police employed severe violence against persons in custody. On June 26, Human Rights Commissioner (ombudsman) Nina Karpachova told the press that torture and abuse of detainees remained a serious problem within law enforcement agencies. In her special report released during the year, she noted that law enforcement personnel accused of torture were too often charged with the less serious offense of abuse of office and not for committing torture.

The Ministry of the Interior confirmed that authorities initiated 16 criminal investigations of law enforcement personnel suspected of inflicting bodily injuries and of three suspected of torture and physical violence in the first nine months of the year. According to the PGO, 57 law enforcement personnel faced criminal liability for torture and inhuman and degrading treatment in the first nine months of the year.

According to human rights groups, law enforcement personnel used force and mistreatment routinely to extract confessions and information from detainees. The UHHRU asserted that one third of criminal suspects were beaten into confessing. In its report on the country, Human Rights Watch (HRW) noted that torture and mistreatment in detention remained commonplace. According to HRW's May submission for the UN Human Rights Council's universal periodic review, police at times coerced testimony from drug users by withholding treatment for painful withdrawal symptoms. In a report issued following its visit from October 22 to November 5, the United Nations Working Group

on Arbitrary Detention expressed concern about repeated reports it received of abuse and torture of suspects, particularly during their initial arrest and detention. According to human rights lawyer Tetyana Yablonska, 81 percent of prisoners interviewed by the Ukrainian American Helsinki Bureau claimed that police beat them into making their confessions, while the practice of covering up those practices prevailed within the law enforcement and judicial systems.

Examples of alleged police abuse included the following: On September 30, Gazeta po Kievski reported Volodymyr Hetmanenko's claim that he was tortured by police while in a pretrial detention facility in Crimea. He was reportedly held for five months on suspicion of involvement in a serial murder case before a court found him not guilty. One of the policemen he accused of torture, Stanislav Hodulianov, was arrested and charged with falsifying records, and the other, Oleh Koshoviy, remained at large at year's end.

On February 11, UNIAN reported that Sumy Oblast prosecutors began an investigation of three police officers who allegedly used intimidation and psychological pressure to force victims to carry illegal drugs and then arrested them for possession. The officers' goal was to increase their number of arrests. There was no more information on the investigation at year's end.

On March 24, Krymska Svitlytsia reported that law enforcement authorities in Crimea were investigating 20 police officers at the Simferopol railway station who allegedly used intimidation and physical force to falsely arrest, detain, take personal property, and extort money from passengers.

On June 10, the VGHR reported that prison guards violently beat inmates at the Stryzhavska correctional colony in Vinnytsia Oblast and the Temnivska correctional colony in Kharkiv Oblast after they stated their intention to hold peaceful protests against their detention conditions.

During the year authorities prosecuted police officers who abused persons in detention. In an article published in Holos Ukrayiny on September 17, Prosecutor General Medvedko claimed that cases of torture in the Ministry of the Interior and the State Penal Department (SPD) systems were nonsystemic and isolated. According to him, during the first six months of the year, the PGO received 573 complaints of torture but 80 percent of the complaints involved procedural violations, not torture, by detention facility administrators. The office opened 12 criminal investigations, five of which were subsequently forwarded to courts.

Following their son's August 26 murder conviction, the parents of Oleksandr Voskoboinikov claimed that he and codefendant Oleksandr Sapon were tortured into confessing their guilt in the fatal stabbing of a 64 year old swimming coach in 2006. The Shostka City District Court in Sumy Oblast sentenced Voskoboinikov to five years in prison. At year's end there was no more information available on the parents' plan to file an appeal.

On March 21, the UHHRU reported that the Supreme Court upheld the Ternopil Court of Appeals' 2007 murder conviction of Ivan Nechyporuk and Oleksandr Motsniy. The men claimed they were tortured into making a confession. The case was under review by the European Court of Human Rights (ECHR).

The SPD confirmed that Yuriy Moseenkov was wrongfully confined for 20 months beginning in 2005 on suspicion of murder. Officials involved in the wrongful detention were disciplined, and the results of the criminal investigation were forwarded to the PGO for further action.

There was no new information on the reported torture of a 17 year old detainee by two police officers in Dnipropetrovsk in 2006 and no indication that authorities were continuing to investigate the case.

At year's end an investigation was continuing into the 2004 dioxin poisoning of then opposition presidential

candidate Viktor Yushchenko. In an interview with the Austrian newspaper Der Standard in mid July, President Yushchenko stated that he knew who organized the poisoning and that the government had officially requested their extradition from Russia. However, the Office of the Prosecutor General in Russia denied that there had been such a request. There were no reports on whether Ukrainian and Russian prosecutors conducted a joint analysis of dioxin, as announced in September 2007.

There were reports that government prosecutors did not always respond to complaints of police abuse. For example, on August 11, lawyer Oleh Veremeyenko appealed to Interior Minister Lutsenko and Ombudsman Nina Karpachova to investigate police officers suspected of abusing Oleksiy Peresta and Volodymyr Vorodai after Kyiv city transportation prosecutors refused to prosecute their case. Peresta and Vorodai claimed that upon their arrival at a Kyiv railway station, police detained them without charge, robbed, and beat them. The Kyiv city transportation prosecutors argued that it found no proof that a crime was committed.

Police officers were often not adequately trained or equipped to gather evidence through investigations and depended on confessions to meet ambitious quotas for solving cases. The law does not clearly prohibit statements made under torture from being introduced as evidence in court proceedings. Efforts to check these practices were made more difficult by an ineffective system for investigating allegations of abuse and by detainees' lack of access to defense lawyers and doctors.

The law prohibits the abuse of psychiatry for political and other non medical reasons and provides safeguards against such abuse, but on a few occasions, according to the Ukrainian American Human Rights Bureau, persons involved in property, inheritance, or divorce disputes were wrongfully diagnosed with schizophrenia and confined to psychiatric institutions.

There were no developments regarding the January 2007 report by the Ukrayina Moloda newspaper that medical personnel of a hospital for mentally disabled persons in the Svyatoshyn district in Kyiv abused patient Larysa Lempbert.

Reports of hazing violence against conscripts in the armed force continued during the year.

On September 5, Gazeta po Kievski reported that Kyiv garrison prosecutors opened an inquiry into a hazing incident that resulted in a ruptured spleen for soldier Dmytro Hrubskiy. The offender was reportedly sent to a disciplinary battalion.

There were no reported developments regarding the investigation reported in August 2007 of charges that a sergeant at the Desna training center in Chernihiv severely beat another soldier, or regarding the investigation of allegations, reported in 2006, that an officer in the regional military unit in Novohrad Volynskiy beat his subordinates and threatened them with a weapon.

Prison and Detention Center Conditions

Prison and detention center conditions generally did not meet international standards; the government permitted visits by independent human rights monitors. The NGO Donetsk Memorial reported that the government's 2006 10 program for improving conditions for persons in custody remained unimplemented. According to the NGO head Oleksandr Bukalov, the SPD's main difficulties included lack of funding, low salaries, and inadequate legislation.

The SPD stated that the state budget provided only 10 percent of the penal system's needs. Nevertheless, in the first nine months of the year, it spent 37.2 million hryvnia (approximately \$4.8 million) on improvements to detention facilities.

In an interview published in the parliamentary newspaper *Holos Ukrayiny*, Prosecutor General Oleksandr Medvedko stated that the most common cause of death in custody was disease contracted prior to incarceration.

According to NGOs, conditions in prisons, which the SPD operates, remained poor but continued to improve slowly as a result of reforms in the penal system. Human rights groups continued to call for introducing full civilian oversight over the SPD by subordinating it to the Ministry of Justice and for the establishment of mobile monitoring groups to visit prisons, similar to those that visit police temporary holding facilities. According to the UHHRU, the absence of rigorous and impartial public oversight in SPD controlled facilities allowed serious problems such as beatings and unhealthy and unsafe living conditions. Human rights lawyer Arkadiy Bushchenko stated that the SPD relied on violence and cruelty to resolve violence among prisoners.

According to the SPD, as of October 1, 146,827 persons were detained in 184 facilities under its control. The SPD confirmed that in 2007, 729 individuals died while in custody, including those in pretrial detention facilities. Illness caused 673 of the deaths, while 54 resulted from suicide and two were homicides. The PGO reported that 397 prisoners died in the first six months of the year in SPD controlled facilities for convicted prisoners. Suicides accounted for 21 of these deaths.

As of November, authorities held almost 210,000 persons in police controlled facilities, 197,400 of whom were held in temporary holding facilities. Human rights organizations asserted that conditions in police temporary holding facilities and pretrial detention facilities were harsher than in low and medium security prisons. They were sometimes overcrowded or lacked adequate sanitation and medical facilities. The deputy head of the Cabinet Ministry's Department on Law Enforcement and Justice Bodies, Tetyana Viktorova, stated that the government was concerned by the increase in the death rates in both prisons and pretrial detention facilities.

On December 10, *Gazeta 24* reported that the SPD's deputy chief Natalia Kalashnik believed that 88 percent of the country's pretrial detention facilities were unsuitable for long term detention.

At the end of August, in response to an appeal by ombudsman Karpachova, the president asked the PGO and the Cabinet of Ministers to investigate conditions in police holding facilities in Crimea, Odesa, and Sevastopol. According to the ombudsman, criminal suspects in these facilities were kept in humiliating conditions that resembled "medieval torture." According to Karpachova, the Ministry of the Interior was concerned that police personnel in these facilities were also exposed to crowded and unhealthy conditions.

There were several reports of self inflicted injuries and violent incidents in prisons and detention centers in Vinnytsia, Kharkiv, Rivne, Chernihiv, Luhansk, Donetsk, and Lviv oblasts. These incidents were frequently a result of unhealthy living conditions, a lack of medical care, and the harsh treatment of prisoners by facility staff, who beat prisoners and denied them food. For example, *Ostriv*, an online newspaper, reported that on January 24, three prisoners at Donetsk correctional colony No. 124 attempted suicide to protest violent treatment by prison personnel. Mykhailo Matangin of the Donetsk SPD denied the report, but local human rights advocate and lawyer Serhiy Salov stated on behalf of the prisoners that they had been subjected to beatings and other inhuman treatment.

The SPD stated that it could not confirm that Andriy Riznychenko was beaten in Vinnytsia Prison No. 1 in June 2007. Several nongovernmental organizations (NGOs) reported that guards beat Riznychenko for several hours for having a mobile telephone card.

According to human rights activist Yevhen Zakharov, on January 31, an antiterrorist unit entered the penal colony No. 46 in Rivne Oblast and beat 16 prisoners, despite the December 2007 annulment of a regulation permitting antiterrorism units at detention facilities. According to Zakharov, the SPD asked human rights groups not to report

the incident.

The SPD continued to deny allegations of the illegal use of force against prisoners. On August 27, deputy SPD head Mykola Iltyai told journalists that force was applied in cases specified by the law, such as when a prisoner tries to commit suicide or attacks prison personnel or fellow inmates.

During the year the SPD denied allegations by human rights groups that it had improperly transferred 40 inmates out of Izyaslav correctional facility No.1 in Khmelnytskyi Oblast, following hunger strikes and the beating of prisoners at the facility in January 2007. Human rights groups called for an investigation of these incidents.

The SPD also denied allegations that it used force against Oleksiy Povidaychuk after he reported abuse of another prisoner by prison guards. According to the SPD, the Vinnytsia prosecutor office determined in May 2007 that there was no evidence that Povidaychuk was abused while in custody at penal colony No. 1 in Vinnytsia.

Overcrowding and poor conditions in pretrial detention exacerbated the problem of tuberculosis (TB) among prisoners. Prison officials stated that mandatory screening of all new inmates for the disease reduced infection rates, and human rights organizations considered the presence of x ray machines in several prison facilities to be a positive development. According to the Web portal, Ukrprison, as of August, 149 TB infected inmates were isolated from the general population in a pretrial detention facility in Donetsk, with only one doctor to treat them. The SPD confirmed that in the first nine months of the year, 1,124 individuals in custody, 813 of them in correctional colonies and 311 in pretrial facilities, had an active form of TB.

According to Prosecutor General Medvedko, on June 6, Odesa Oblast prosecutors opened a criminal investigation of abuse of office charges against personnel of the Odesa pretrial detention facility who allegedly assaulted an inmate. The investigation was ongoing at year's end. On June 6, prosecutors in Komsomolsk, Poltava Oblast, opened an investigation of local police officers who allegedly held 13 persons in degrading conditions in a police temporary holding facility that was officially closed. No further information on the investigation was available at year's end.

Specialized medication was frequently not available for HIV infected prisoners. According to HRW's annual report, there was no medication assisted treatment in prisons, which meant that drug users were forced to suffer from abrupt withdrawal when taken into custody.

On December 18, the ECHR found in favor of the family of Olha Biliak, who died in 2004 while in pretrial detention in the Lukianivka detention facility in Kyiv. Biliak's family claimed that the authorities failed to provide her with adequate medical treatment for HIV while she was in custody and failed to release her on medical grounds.

No information was available on the 2006 criminal investigation of alleged abuses of authority by the administrators of two detention centers in Lviv Oblast.

Human rights groups claimed that authorities inappropriately used prisoners as laborers, failed to compensate them adequately for their work, and forced them to work in dangerous and unhealthy conditions. For example, UNIAN reported on November 11 that the Security Service of Ukraine (SBU) discovered that the administration of correctional colony No. 137 in Luhansk Oblast received money for sending inmates to work at a local stone quarry. The colony's oversight and security chief received a fine and was allowed to retire from the penitentiary system.

The government permitted prison visits by human rights observers. Mobile monitoring groups, made up of representatives from human rights NGOs and interior ministry personnel, continued to visit police temporary holding facilities during the year. Human rights NGOs called for the establishment of similar mobile monitoring groups to visit prisons, run by the SPD. The SPD stated that it did not refuse visit requests by human rights

organizations and that it cooperated with international and local NGOs. Prisoners and detainees were permitted to file complaints with the ombudsman concerning their conditions in custody, but human rights organizations noted that prison officials continued the practice of censoring or discouraging complaints. By law the prosecutor's and ombudsman's offices were obliged to disclose the names of inmates who filed complaints to the bodies against which they were filed, such as the SPD, subjecting the petitioners to possible reprisals from prison administrators.

The United Nations Working Group on Arbitrary Detention, during its October 22-November 5 visit to the country, reported that it observed instances of minors who were being held in pretrial detention facilities in the same vicinity as adult detainees and convicts.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention; however, these remained problems.

Role of the Police and Security Apparatus

The Ministry of the Interior is responsible for maintaining internal order; it oversees the police and maintains its own armed troops. The SBU, the country's internal intelligence organization, reports directly to the president. The State Tax Administration, which exercises law enforcement powers through the tax police, is accountable both to the president and the cabinet. The law provides for civilian control of the army and law enforcement agencies and authorizes members of parliament to conduct investigations, including public hearings, into national security and defense issues. The ombudsman is also authorized to initiate investigations into the activities of relevant security forces.

Police corruption remained a problem. According to the Interior Ministry, more than 5,000 law enforcement officers were subject to administrative disciplinary actions in the year. Of these, 105 were dismissed for corruption and criminal investigations were launched against 544 police personnel. The PGO confirmed that in the first 10 months of the year, 280 law enforcement officers and three prosecutors were found criminally liable for corruption.

On February 15, the media reported that the Kyiv prosecutor's office opened an investigation of the head of the city's own main criminal investigation unit, as well as of the chief investigator of one of Kyiv's district police offices, who were alleged to have accepted bribes in return for not pressing charges in a criminal case.

On March 14, the Web site Glavred reported that the SBU special unit for combating corruption in Donetsk Oblast, jointly with local prosecutor's office, caught a police investigator taking a bribe in the amount of \$9,000 in return for dropping criminal charges against a suspected rapist. The investigative unit of the prosecutor's office initiated a criminal case.

On September 22, the proUA.com Web site reported that Kirovohrad Oblast prosecutors opened a criminal case against two local police officers on charges of demanding a bribe from a local resident to release his son detained on suspicion of theft. They were also accused of torturing the son with electric shock while he was in detention. The investigation was ongoing at year's end.

There were no reported developments related to April 2007 media reports that the SBU in Kyiv detained the head of a district for combating organized crime and narcotics for demanding a bribe not to arrest a Kyiv resident.

There were no reported developments related to attempts to punish investigators suspected of torturing, falsely imprisoning, and demanding a bribe for the release of Volodymyr Chukhrai. He was released in April 2007 after spending eight years in a high security prison.

There were no developments regarding the 2006 cases involving a police lieutenant in Kyiv who was detained for demanding a bribe of 5,000 hryvnia (approximately \$645) or the two investigators from the Odesa regional department of the Ministry of the Interior charged with bribery and extortion.

Arrest and 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 order the extension of detention without an arrest warrant for an additional 10 days. The law permits citizens to contest an arrest in court or appeal it to the prosecutor. The law requires that officials notify family members immediately concerning an arrest, although human rights NGOs noted that sometimes the police did not do so.

Despite these legal safeguards, lengthy pretrial detention remained a problem. Human rights groups asserted that the number of suspects in detention was much higher than the number of those convicted of criminal offenses. There were unsanctioned arrests, mainly for the purpose of obtaining confessions, and investigative police employed the practice of not keeping records of detained suspects (unregistered detention).

Individuals often remained in detention for months or in some cases years before being brought to trial, and the situation did not improve during the year. According to domestic human rights organizations, the investigation process took four to five months on average.

Human rights organizations reported that police continued to arbitrarily use the initial period of detention, when individuals can be detained without a warrant, to extract evidence that could be used against the detainee. Often courts extended detention to 10 days to allow police more time to obtain confessions.

During its October 22-November 5 visit the UN Working Group on Arbitrary Detention noted the following: continued practice of employing pretrial detention of persons suspected of less grave crimes; a perceived lack of independent and effective control over the process by the judiciary; and restrictions imposed upon pretrial detainees, such as denying them contact with their families before the commencement of court trials.

On April 8, the online journal Korrespondent reported that a judge in Zhytomyr sentenced individuals to 15 days in a temporary police holding facility in order to use them to work on his father's property. The local prosecutor's office determined that the judge had committed similar abuses on several occasions. The judge was detained. No new information was available at year's end.

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. However, in practice this often did not occur, giving police time, according to legal observers, to coerce confessions. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy detention under extremely poor conditions. Attorneys often refused to defend indigents for the low payment the government provided.

Reports continued of police arbitrarily detaining persons, particularly persons of non Slavic appearance, for extensive document checks and vehicle inspections.

Although the law provides for bail, it was rarely used; many defendants could not pay the bail amounts imposed by law. Courts sometimes imposed restrictions on travel outside a given area as an alternative to pretrial confinement. However, they generally opted to place individuals in pretrial detention facilities, a practice that human rights observers criticized as contributing to overcrowding.

Although the president ordered an investigation in 2007 to determine whether judges and prosecutors fabricated facts to convict journalist Ruslan Antonyk, believed by human rights observers to have been wrongly convicted of murder in 2000, there were no reports indicating whether the investigation continued. The president pardoned Antonyk in June 2007.

Human rights organizations reported that persons remained in detention for long periods awaiting trial. Human rights organizations continued to report that persons detained were at times not informed of their rights as required by law.

Justice Minister Mykola Onishchuk, in comments posted on the Ministry of Justice Web site, stated that each year between 10,000 and 15,000 individuals were kept in pretrial detention facilities without a valid reason.

On April 4, the television channel NTN reported that a court ordered the release of a resident of Luhansk, Serhiy Lesnyak, after the court determined that he had been wrongfully confined for more than three years. All charges against him were dropped and he reportedly planned to sue the government for the physical suffering and mental anguish that occurred as a result of his wrongful confinement.

Amnesty

Through December 23, President Yushchenko pardoned 885 persons, including women, elderly men, persons with disabilities, and persons with several children. On December 12, on the occasion of the anniversary of the Universal Declaration of Human Rights, the Verkhovna Rada passed a bill granting amnesty to more than 3,000 convicted persons.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but in practice the judiciary remained subject to pressure from the executive and legislative branches and also suffered from corruption and inefficiency. Some accused the president of attempting to put pressure on courts by disbanding them, while others accused some members of the prime minister's parliamentary bloc of trying to interfere with the courts' activities.

According to the UHHRU, the right to a fair trial was limited by lengthy court proceedings, particularly in administrative courts; political pressure on judges; inadequate funding for courts; the lack of qualified legal assistance for defendants; and the inability of courts to enforce their rulings.

There were no developments in the criminal investigation into political interference in the activities of the Pechersk District Court in Kyiv in 2007.

There were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences.

During a January meeting with PACE's corapporteurs, Ombudsman Karpachova noted that a majority of citizens' appeals for her assistance concerned the lack of fair trial guarantees.

The PGO, according to July 15 media reports, announced that the former chiefs of the Makiyivka criminal investigation office and the police department for juvenile crimes in Donetsk Oblast were charged with forcing Svitlana Zaytseva to confess to a murder that she did not commit. As a result, she was sentenced to seven and one half years in prison in 2001. A year after the real killers were found, Zaytseva was released, but she died shortly afterward of tuberculosis. Authorities were investigating the case at year's end.

Except for the Supreme Court, Constitutional Court, and high specialized courts, the courts were funded through the State Judicial Administration (SJA), which was also responsible for staffing courts. The ministries of Justice and Education were responsible for training judges. The judiciary's lack of adequate staff and funds contributed to inefficiency and corruption and increased its dependence on the executive branch. The SJA acknowledged that courts lacked adequate funding and technical informational support and did not have adequate facilities.

During the year the High Council of Justice requested that parliament dismiss eight judges for violating the oath of office. All eight of the judges were dismissed.

On October 21, HRW released a statement calling upon the authorities to respect the independence of the judiciary and criticizing both the president and the prime minister for seeking to use courts as a political tool. For example, during a legal dispute over his decree calling for early parliamentary elections, President Yushchenko annulled his appointment of a Kyiv District Administrative Court judge on October 14 and abolished the court itself, after it ruled in favor of an appeal by the political bloc of his sometime rival, the prime minister. The Political and Legal Reforms Center reported that members of parliament from the prime minister's bloc physically prevented the judges of the Administrative Appeals Court from leaving their chambers, making it impossible to hold a hearing on a legal appeal from the president.

While the law provides for judicial independence, in some cases it also gives the president considerable power over the judiciary. The president has authority, with the agreement of the Ministry of Justice and the chair of the Supreme Court, or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction. The president determines the number of judges in the court system, appoints and removes chairpersons and deputy chairpersons of courts, and establishes appellate commercial and appellate administrative courts. The president, upon the recommendation of the prime minister and with the concurrence of the Judicial Council, appoints the head of the SJA.

Authorities' failure to enforce court decisions in civil cases undermined the independence and strength of the courts. The State Executive Service is responsible for enforcing most civil decisions, and the number of cases referred to it continued to grow. Provisions permitting criminal punishment for noncompliance with court decisions were rarely used.

The country has a civil law system relying on codes, laws, and separate acts. The multifaceted court system consists of the Constitutional Court and courts of general jurisdiction. The courts of general jurisdiction deal with civil, economic, administrative, and criminal forms of justice. They include general courts and specialized courts. The Supreme Court is the highest body in the system of courts of general jurisdiction. It has civil, criminal, commercial, and administrative chambers and a military panel of judges. The local courts, subdivided into local general and local economic courts, are the main courts involving individuals. The high specialized courts and relevant chambers of the Supreme Court perform cassational court functions.

According to a spring survey on corruption within the judicial system carried out as part of the Promoting Active Citizen Engagement project, almost one third of lawyers and prosecutors believed that corruption was common at all stages of court proceedings. Moreover, 64 percent of the surveyed lawyers and public prosecutors believed that corruption within the court system became more widespread during the previous year. According to citizens surveyed, the major problems included delays in court proceedings and immunity for judges.

Judges are immune from prosecution and may not be detained or arrested without the consent of parliament. There were numerous media reports of judges accepting bribes. For example, UNIAN reported on May 28 that the Chernihiv oblast prosecutor's office initiated a criminal case against the head of a district court for allegedly accepting a bribe to reduce a sentence. On June 5, the Kommersant Ukraine newspaper cited the chairman of the

parliamentary Committee on Justice, Serhiy Kivalov, as saying that the Presidential Secretariat had agreed not to pursue corruption charges against former constitutional court justice Syuzanna Stanik in exchange for her agreement to resign. Stanik was alleged to have been involved in corruption in April 2007.

By law the Constitutional Court consists of 18 members, six each appointed for nine year terms by the president, parliament, and the Congress of Judges. It has three panels of judges. The Constitutional Court is the ultimate interpreter of legislation and the constitution. It determines the constitutionality of legislation and other parliamentary legal acts, presidential edicts, cabinet acts, and legal acts of the Crimean Autonomous Republic, and it issues opinions concerning constitutionality of international treaties and agreements.

Trial Procedures

The constitution includes procedural provisions intended to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, these rights were limited by the absence of implementing legislation, which left a largely Soviet era criminal justice system in place. The defendant is formally presumed innocent, but the system maintained the high conviction rates characteristic of the Soviet era.

The law provides for broad use of juries, but a system of juries had not been implemented. Most ordinary cases were decided by judges who sit singly, although cases that involved the possibility of a life prison sentence, the maximum penalty in the country's criminal justice system, were heard by two judges and three public assessors (lay judges or professional jurors with some legal training).

By law a trial must begin no later than three weeks after criminal charges are filed with the court; however, this requirement was rarely met by the overburdened court system. Months could pass before a defendant was brought to trial, and human rights groups claimed that the situation did not improve during the year. Complicated cases could take years to go to trial.

The law specifies that a defendant may speak with a lawyer in private; however, human rights groups reported that officials occasionally denied this client attorney privilege. The law also requires free legal counsel for all defendants, but free counsel was often unavailable. To protect defendants, 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. Appeals courts may dismiss convictions or order new trials if these attesting documents are missing; however, officials sometimes verbally and physically abused defendants to obtain their signatures.

By law trials are held in public and defendants have the right to confront witnesses. However, courtroom space was often limited, and media personnel were at times not able to attend and report on court proceedings.

Legal provisions permitting the names and addresses of victims and witnesses to be kept confidential if they requested protection were insufficient to prevent criminal groups from routinely using intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives, but human rights organizations claimed that this system continued to be ineffective.

There were no developments in the March 2007 case of Vadym Cherkas, a local human rights activist who was sentenced to 10 days' in jail by a Donetsk court for disturbing the peace and public profanity, or in the case of the activist Mykola Harmash of the People's Self Defense political movement, who was illegally detained in March 2007 and held for an undetermined period of time at the Leninskiy district police temporary holding facility in Shcholkino.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution gives citizens the right to challenge in court any decisions, actions, or omissions of national and local government officials that violate their human rights.

The law protects the rights, freedoms, and interests of individuals from violation by the government and public officials and allows court challenges in cases involving illegal government activities or failure to enforce legal protections. Potential victims may also file a collective legal challenge to legislation that they believe may violate basic rights and freedoms without requiring them to show that they are directly affected. Citizens may appeal to the ombudsman and, after exhausting all domestic legal remedies, may take cases to the appropriate international bodies, such as the ECHR, of which the country is a member or participant. However, citizens' right of redress was limited by the inefficiency, and at times the corruption, of the judicial system.

Property Restitution

Restitution of property taken from religious groups under the Soviet regime continued at a slow pace, partly as a consequence of the country's economic situation, which limited funds available to relocate occupants of seized religious property. In addition, intracommunal competition for particular properties complicated restitution claims for the Christian, Jewish, and Muslim communities. The State Committee on Nationalities and Religion (SCNR) declared that the majority of buildings and objects had already been returned to religious organizations and that many of the remaining properties for which restitution was being sought were complicated by that fact they were occupied by state institutions, were historic landmarks, or had been transferred to private ownership. The SCNR stated that there was a lack of government funding to assist in relocating organizations occupying these buildings. The SCNR also noted that restitution claims frequently fell under the jurisdiction of local governments.

On September 18, the Kyiv City Council returned a former monastery building on Tryokhsvyatytska Street to the Orthodox Church of the Kyiv Patriarchate.

On October 26, the Chernivtsi City Council authorized the transfer of a synagogue building to the local Jewish community.

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

Although the constitution prohibits such actions, in practice authorities infringed citizens' privacy rights. By law the SBU may not conduct intrusive surveillance and searches without a court issued warrant.

The PGO has the constitutional responsibility to ensure that law enforcement agencies, including the SBU, observe the law. The constitution gives citizens the right to examine any dossier concerning them in the possession of the SBU and to sue to recover losses resulting from an investigation. Authorities generally did not respect these rights in practice, however, as the necessary implementing legislation had not been enacted.

On January 26, media reported that Mykolayiv Mayor Volodymyr Chaika discovered several video surveillance cameras in his office and requested that the SBU investigate the incident. At a press conference on August 6, Chaika accused the former chief of the department's crime unit combating organized crime unit in Mykolayiv Oblast, Serhiy Humenyuk, of having ordered the installation of the equipment without legal authority.

No further reports were available concerning the criminal investigation begun in February 2007 into the release of a transcript of a 2006 telephone conversation between then speaker of parliament Oleksandr Moroz and the British ambassador, which appeared on the Internet.

There were no reported developments following press reports in May 2007 that the SBU detained eight members of a private company that allegedly engaged in unlawful surveillance and telephone tapping.

On January 31, the head of the parliamentary committee on national security, former Defense Minister Anatoliy Hrytsenko, told journalists from the television broadcast Inter Channel that the practice of illegally disseminating confidential information about individual citizens should be stopped. Investigative journalists claimed that it was possible to buy confidential information on individual citizens at local markets.

On February 26, the newspaper Kommersant Ukrayina reported that the PGO had completed its investigation of interior ministry personnel charged with unlawful eavesdropping on politicians, including Yulia Tymoshenko and Block of Yulia Tymoshenko MP Viktor Shvets, during the 2004 presidential campaign. At year's end the PGO had not forwarded the results of its investigation to the courts.

On September 1, the Kulykiv District Court in Chernihiv Oblast sentenced a member of the Chernihiv City Council, Dmytro Shevchuk, to more than four years' imprisonment and city council employee Oleksandr Fesyuk to four years' imprisonment, with a suspended sentence of two years, for tapping telephone conversations of Chernihiv Oblast administration officials.

According to HRW, health workers often violated the privacy of persons with HIV/AIDS by disclosing confidential information about their HIV status.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and the press; the government generally respected these rights in practice.

There were instances of violence and other harassment of journalists. On March 16, unknown assailants severely beat Serhiy Tsyhipa, an independent investigative journalist, in Kherson Oblast. Tsyhipa was known for critical reporting about local authorities. On December 1, in an open letter to Prosecutor General Medvedko, Tsyhipa claimed that local prosecutors refused to investigate his beating because he allegedly had not provided confirmation that he was a journalist. Tsyhipa disputed this claim and complained to the PGO. At year's end no one had been arrested for the attack.

On September 16, police beat Maksym Abramovskiy, a correspondent for the Ostriv newspaper and deputy head of the Donetsk Independent Media Union, and his colleague Olena Mykhailova while the journalists were videotaping police officers stopping cars for roadside inspections. The police seized the camera and damaged the tape. No criminal case was opened.

There were no reported developments involving investigations of a number of attacks on journalists in previous years, including: the February 2007 attack on the news director of Dnipropetrovsk's Channel 9, Anatoliy Shynkarenko; the September 2007 burning of the automobile of Serhiy Harmash, chief editor of the Donetsk based Internet publication Ostriv; the reported disappearance of journalist Anatoliy Kachurynets, last seen in 2006; or the investigation, opened in 2007, into the 2006 death of Norik Shirin, founder and publisher of the Holos Molodi

newspaper.

On December 25, the Supreme Court upheld the acquittal on September 17 by the Mykolaiv Oblast Court of Appeals of Crimean journalist Vladimir Lutiev, who had been involved in legal proceedings since November 2002 (including approximately two years in jail). Lutiev had been charged with complicity in the murder of a member of the Crimean parliament. Lutiev claimed the charges were brought against him in revenge for articles in his newspaper criticizing regional government officials and discussing organized crime. The country's human rights ombudsman intervened on his behalf.

On April 10, the Kyiv prosecutor's office terminated its investigation into Party of Regions MP Oleh Kalashnikov's alleged assault on a television news crew in 2006. In May the President's Commission on Freedom of Speech and Development called on the PGO to review the closing of the investigation. At year's end the PGO had yet to inform the public about its findings.

On July 14, the national media watchdog Institute for Mass Information (IMI) released a statement expressing concern about Ukrayinska Pravda investigative journalist Serhiy Leshchenko, who was forcibly brought in for questioning by the PGO regarding the case of the 2004 poisoning of President Yushchenko. The journalist was released after seven hours of questioning but was brought back two days later for six more hours. Several journalists believed the lengthy interrogation represented an attempt to intimidate Leshchenko, who is known for publications exposing abuse by senior government officials. On July 16, President Yushchenko released a statement expressing concern about measures used by the PGO and demanding an official explanation concerning the incident.

Private media outlets operated free of state control; however, both the independent and government owned media continued at times to demonstrate a tendency toward self censorship on matters that the government deemed sensitive. Although private newspapers were free to function on a purely commercial basis, they often depended on political patrons.

There were no reports that the central authorities attempted to direct media content; however, on September 29, UNIAN reported that the entire staff of the municipally owned newspaper Molod' Cherkashchyny (Cherkasy Youth) was dismissed allegedly for political reasons. According to editor in chief Yulia Skakun, the owner, oblast Governor Oleksandr Cherevko, did not like the newspaper's critical reporting about the Our Ukraine political bloc and about himself. The media Web site Telekritika reported that members of parliament asked the PGO to investigate the governor's actions and open a criminal case to determine if charges should be filed against him.

There were reports of intimidation of journalists, including by local officials. According to IMI, at least 27 journalists were subjected to physical attacks or intimidation as of November. The majority of these cases, however, did not appear to be centrally organized and were often attributed to local politicians, businessmen, or organized criminal groups.

Journalists complained that the owners of television media outlets, who were often closely connected to leading political figures, unduly influenced the editorial content of news programming. For example, on January 29, IMI reported that Channel 5 closed its news program, Chas (Time), and dismissed the program's director and host Yehor Sobolev. According to Sobolev, the decision resulted from a conflict with the channel's majority shareholders over Sobolev's coverage of the 2007 preterm parliamentary election campaign and the shareholders' attempts to dismiss journalist Ihor Slisarenko from Channel 5 in 2007.

In addition, there were many reports that journalists and media officials were willing for a price (dzhynsa) to slant reporting or print articles favorable to certain persons or causes. In response to these and a series of similar

conflicts, a group of journalists, members of the Independent Media Union, launched a campaign against prepaid reports and hidden advertising presented as news. The journalists maintained that low official salaries encouraged journalists to supplement their incomes with undocumented payments from benefactors seeking to influence news reporting.

Media monitoring groups noted that municipally owned media favored the incumbent mayor, Leonid Chernovetskiy, during the Kyiv mayoral elections. On May 23, IMI alleged that the Svoboda (Liberty) talk show on the privately owned television station Inter Channel was not aired because it invited all main candidates in the Kyiv mayoral race. The day before, privately owned Channel 1+1 cancelled its political talk show, I believe so, because of the planned participation of opposition mayoral candidate Vitaliy Klychko. In response to these allegations, Channel 1+1 explained that it chose not to favor individual candidates on its programs, but IMI noted that the channel's morning programs on the same day hosted Chernovetskiy bloc officials.

Continued dependence by some media on government resources may have inhibited investigative and critical reporting.

Inadequate access to government held information was a problem, particularly in the regions, according to IMI and the UHHRU, which asserted that most government agencies regularly denied requests by journalists and others for basic public interest information. For example, according to IMI, it took the president's secretariat seven months to respond to its inquiry concerning a controversial government award to Judge Mariya Pryndyuk, who, according to IMI, hampered the investigation of the Gongadze murder case.

Licensing provisions require that national media outlets broadcast at least 75 percent of their programs in Ukrainian, a policy that many citizens whose first language was not Ukrainian regarded as discriminatory.

The law limits the amount of damages that may be claimed in libel lawsuits and allows the press to publish inoffensive, nonfactual judgments, including criticism, without penalty; however, media watchdog groups continued to express concern over extremely 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. According to the UHHRU, during the year the amounts awarded for successful suits on these grounds increased, although the number of such lawsuits dropped.

On May 23, the Desnyanskiy District Court in Kyiv upheld a 46 million hryvnia (approximately \$6 million) defamation lawsuit by businessman Yuriy Sydorenko against the Blitz Inform holding company and two journalists of The Business Newspaper. The court ordered the company to pay 24.2 million hryvnia (approximately \$3.1 million) in damages. The company appealed and on September 24, the Kyiv Court of Appeals dropped the payment for moral damages to the plaintiff.

According to the Association of Media Lawyers, courts rendered 738 guilty verdicts in libel cases over the previous 10 years; 25 percent of the plaintiffs demanded a retraction only, 70 percent demanded a retraction and an award for damages, and 1.37 percent demanded the closure of the media outlet.

In some instances media representatives experienced problems gaining access to court hearings and governmental meetings. In June the Donetsk Oblast prosecutor's office initiated a criminal case against policemen who severely beat a journalist of the Ostriv newspaper, Ihor Nezhurko, while he was reporting on an open court hearing in the Voroshylivskiy district of Donetsk.

On March 27, journalists Nina Rykova of the newspaper 2000, Nina Chevela, of the Slovyansk based SAT plus

television company, and Anton Skvortsov, of the TV plus newspaper, claimed they were not allowed to attend an open trial in the Slovyansk City Court.

Internet Freedom

According to the State Committee on Communication and Informatization, 10 million persons used the Internet. The government did not restrict access to the Internet, but human rights organizations asserted that law enforcement bodies monitored its use.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but in some instances regional governments infringed on these rights. Since there is no national law governing freedom of assembly, the Code of Administrative Justice and case law prevailed. In addition, local authorities at times invoked a Soviet era resolution on freedom of assembly that was more restrictive than the current constitution.

The constitution requires that demonstrators inform authorities of a planned demonstration in advance. The Soviet era resolution, which local governments sometimes used to define "advance notice," stipulates that organizations must apply for permission at least 10 days before a planned event or demonstration. In most cases permits were granted to those who requested them, and in practice unlicensed demonstrations were common and generally occurred without police interference, fines, or detention, though there were several exceptions.

In the first nine months of the year, according to the Ministry of the Interior, administrative charges were brought against 16 individuals for infringement of the law on organizing and holding public gatherings.

The Republic Institute (RI), a local monitoring group, stated that most restrictions on assembly involved protests against construction projects and protests against the country's integration into NATO and its participation in the Sea Breeze military exercise. The institute noted that pro NATO demonstrations by the propresidential Our Ukraine party were not banned by authorities. By contrast, in Crimea, according to the Association of Independent Crimean Journalists, law enforcement bodies restricted freedom of assembly for groups seeking to gather in support of NATO and favoring the recognition of the 1932-33 Great Famine (Holodomor), and Ukrainian Insurgent Army, while groups opposed to these policies were allowed to demonstrate.

Authorities prohibited at least one progay demonstration, by the Mykolayiv based organization for gays, lesbians, and bisexuals, Liga, on the grounds that some religious organizations were against it and there was the potential for disturbing the public peace.

The RI reported that on July 3, the Odesa District Administrative Court upheld a lower court's appeal and forbade the Progressive Socialist Party (PSPU) from gathering in the area of Chornomorske village in Odesa Oblast from July 3 to 31. The PSPU intended to protest a NATO Partnership for Peace military exercise that was scheduled to take place there at that time.

On March 5, the Luhansk branch of the Committee of Voters of Ukraine (CVU) filed an administrative appeal against

the Severodonetsk City Council's January 25 decision requiring permission of the city council to hold sporting, musical, religious, and civic political events in the Ice Palace of Sports, and banning all other activities. The CVU was concerned that local authorities would permit political events to be held at the arena based on their political preferences.

There were occasional reports that police used excessive force to disperse unsanctioned protests. For example, Interior Minister Lutsenko publicly admitted that police used excessive force on March 16 when they dispersed protesters at a construction project on the grounds of the Zhovtneva hospital in downtown Kyiv.

There were no reports of any investigation or charges related to the violent dispersal by police of a protest against the erection of the monument to Catherine the Great in Odesa in September 2007. Authorities had banned protests at the site. In another case there were no indications of the progress or outcome of an investigation opened in September 2007 into the failure of Odesa police and city officials to prevent supporters of the pro Russia Unified Motherland organization from beating Ukrainian nationalists during a demonstration.

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. Registration requirements for organizations were extensive, but there were no reports that the government used them during the year to disband existing legitimate organizations or to prevent new ones from being formed.

On April 3, the ECHR ruled unanimously in the case of Koretskyy and Others v. Ukraine that authorities violated the freedom of association provisions of the European Convention on Human Rights when they refused in 2000 to register a civic association whose aims related to environmental preservation.

The law places restrictions upon organizations that advocate violence or racial and religious hatred, or that threaten public order or health. According to the PGO, the SBU opened criminal investigations of two separatist groups, the Popular Front Sevastopol Crimea Russia and the Association 'Sejm of Pidkarpattia Rusyns, for holding demonstrations.

Freedom of Religion

The constitution and the law provide for freedom of religion, and the government generally protected this right; however, some minority and nontraditional religions experienced difficulties in registration and in buying and leasing property. There is no formal state religion, but local authorities at times favored the religious majority in their particular regions.

The law requires that a religious group register its "articles and statutes," either as a local or a national organization, and to have at least 10 adult members in order to obtain the status of a "juridical entity." Registration is necessary to conduct many business activities, including publishing, banking, and property transactions. The Spiritual Directorate of Muslims of Ukraine reported some difficulties with registering new religious communities in Crimea due to what it considered the political bias of some local authorities.

Religious organizations, including members of the All Ukraine Council of Churches and Religious Organizations, continued to complain that despite their repeated requests, parliament did not adopt legislative amendments to give them the right to own or permanently use land plots. As a result they continued to pay commercial rates to rent the land on which places of worship and other religious buildings were located. They also complained that their organizations did not receive exemption from paying value added taxes despite requests for a more favorable

status.

Some religious communities encountered difficulties in dealing with the municipal administrations in Kyiv and other large cities to obtain land and building permits or to rent office space. However, these problems were not limited to religious groups and in many cases could be attributed to financial reasons rather than bias against a particular religious community.

On September 2, the city administration authorized work to rebury the human remains on the site of a former Jewish cemetery in Vinnytsya, following protests by the Jewish community against the construction of a residential building on the site.

At year's end commercial construction on the site of the former Lviv synagogue and surrounding buildings was halted pending an archeological study. Representatives of the Jewish community had protested the construction.

In August the Jewish community reiterated previous complaints that the open air Krakivskiy Market in Lviv was located on the grounds of an ancient Jewish cemetery and that periodic digging to erect market kiosks disturbed the sanctity of the site. They called on the city to relocate the market. The city offered to construct a memorial park on the remaining undeveloped part of the cemetery in 2010 but explained that it could not relocate the market because some of the buildings at the market were private property.

The representative in Crimea of the Ukrainian Greek Catholic Church complained that the Yalta Municipal Council refused to finalize the allocation of a land plot for the construction of what would be the only Greek Catholic church in the city. They also mentioned reluctance of municipal governments in Simferopol and Yevpatoriya to allocate land for church construction.

Restitution of communal property confiscated by the Soviet regime remained a problem.

The law restricts the activities of foreign based religious organizations and narrowly defines the permissible activities of the clergy, preachers, teachers, and other noncitizen representatives of foreign based religious organizations; however, there were no reports that the government used the law during the year to limit the activity of such religious organizations.

The government promoted interfaith understanding by frequently consulting the All Ukraine Council of Churches and Religious Organizations, whose membership represented the faiths of more than 90 percent of the religiously active population. The council met every two or three months, giving members and government representatives the opportunity to discuss interfaith concerns. Regional administrations and local religious leaders in most regions have formed regional councils of churches and religious organizations.

Societal Abuses and Discrimination

Tensions continued between the Ukrainian Orthodox Church Kyiv Patriarchate (UOC KP), the Ukrainian Orthodox Church Moscow Patriarchate (UOC MP), and the Ukrainian Autocephalous Orthodox Church (UAOC) when congregations attempted to change jurisdictions between the factions. For example, the UOC MP, UOC KP, and the local government did not resolve differences over the use of the Holy Trinity Church in Rokhmaniv Village in Ternopil Oblast after the congregation split between the churches. In another example, the UOC KP and UAOC were unable to settle their dispute over the ownership of the St. George Church in Odesa that resulted from the decision of an archpriest in charge of the parish to change affiliation from the UOC KP to the UAOC.

Vandalism of religious sites and monuments continued to be a problem. According to media reports, from January

to mid May, the Ministry of the Interior registered 873 instances of desecration of burial sites around the country. There were also several instances in which churches and cemeteries were vandalized.

On March 3, unidentified vandals overturned a cross located near the Holy Nativity Cathedral of the UOC MP in Severodonetsk, Luhansk Oblast. The cross was erected in memory of victims of the Soviet era famine. In late March vandals destroyed a crucifix and painted graffiti at the Armenian Cathedral in Lviv.

In mid April police detained three secondary school students who damaged more than 100 gravestones at two Christian cemeteries in Dobropillya, Donetsk Oblast.

On June 25, two men vandalized the sanctuary and damaged icons at the Dormition Church of the UOC MP's St. Nickolas Monastery in the Korop District, Chernihiv Oblast, and injured two monastery staff who tried to stop the desecration. One attacker was detained.

In July Crimean police detained three students on charges of desecrating a Christian cemetery. From April 2007 to March 2008, the suspects allegedly committed eight acts of vandalism at a cemetery in the Simferopol District.

There were no developments regarding the investigations into the April 2007 vandalism and painting of antireligious symbols on a UOC MP church and gravestones in Izmail, Odesa Oblast, and into damage done to 35 gravestones in April 2007 at a Muslim cemetery in the village of Sofiyivka near Simferopol.

During the year police made no progress in their investigation of the 2006 attack on a foreign missionary of Jehovah's Witnesses near his home in Kremenchuk in Poltava Oblast, and none was expected.

There were no reports of developments in the April 2007 vandalism of more than 400 tombstones at a cemetery in Mariupol.

There were a number of acts of anti-Semitism, including physical attacks on Jews and vandalism of Jewish community institutions. Anti-Semitic violence was part of an overall increase in violent hate crimes during the year. According to an April 10 report by the Jewish and Israel News, one of every five hate crimes committed in the country since January 2007 was directed against Jews. In November Viacheslav Likhachov, a local human rights monitor, reported that there had been five anti-Semitic attacks on persons and 10 incidents of vandalism in the first 10 months of the year. He noted that this was an improvement over the same period in 2007, when there were eight victims of attacks and 21 incidents of vandalism.

On September 13, a group of youths shouting anti-Semitic abuse assaulted Vinnytsya Rabbi Shaul Horovitz, his young son, and a friend. Police arrested the attackers. In September a local court ordered the attackers to pay a fine for committing an act of "hooliganism."

There was no progress in the police investigation of several violent attacks against Jewish citizens in Zhytomyr in 2007. City authorities increased police patrols near the synagogue, but the Jewish community remained concerned about its safety.

Synagogues, cemeteries, and Holocaust memorials were vandalized on several occasions, particularly in Kirovohrad, where the Choral Synagogue was vandalized at least three times during the year. According to representatives of the local Jewish community, law enforcement authorities made no progress in the investigation of the incidents.

In November 2007 and again in April, vandals in Zhytomyr set fire to a cemetery memorial to the prominent Jewish

leader, Rabbi Aharon. They also painted antireligious symbols on the walls of the memorial. Following the second incident, law enforcement agencies arrested two teenagers who claimed that a fire they set to keep warm accidentally spread to the memorial. No explanation for the graffiti was reported, nor were there reports that the teenagers were charged.

There were several incidents in which hate speech against Jewish persons was combined with hate speech against other groups. On May 16, for example, a group of youths representing the extremist nationalist groups UNA UNSO and the National Labor Party of Ukraine gathered in front of the Russian embassy in Kyiv shouting anti Semitic and anti Russian slogans.

Anti Semitic articles appeared frequently in small publications and irregular newsletters, although such articles rarely appeared in the national press. The Interregional Academy of Personnel Management (MAUP), which reportedly receives significant funding from several Middle Eastern government sources, remained the most persistent publisher of anti Semitic materials, although the volume dropped in comparison to 2007. MAUP, which claimed to have a membership of more than 50,000 students, published a monthly journal *Personnel* and a weekly newspaper *Personnel Plus*, which were the subjects of an ongoing criminal investigation by the PGO.

According to the Association of Jewish Organization and Communities of Ukraine (VAAD), the national print media published 17 anti Semitic materials from January through March, compared to 147 in the third quarter of 2007 and 75 in the fourth quarter of 2007. VAAD attributed the "sharp decrease" in the overall number of anti Semitic publications to the gradual "curtailment" of MAUP's anti Semitic campaign. In previous years MAUP accounted for nearly 90 percent of all published anti Semitic material.

The Supreme Court in March dismissed MAUP's lawsuit against the Jewish Confederation of Ukraine and its publication, *The Jewish Observer*, over articles criticizing MAUP's anti Jewish and anti Zionist activities. However, MAUP's lawsuit against the mayor of Kyiv charging that his May 2007 order removing MAUP's bookstand near the Babyn Yar massacre memorial site abridged its freedom of speech was pending at year's end.

Some leaders within the Jewish community criticized President Yushchenko's 2007 decision to confer a posthumous award on Ukrainian Insurgent Army leader Roman Shukhevych. They asserted that the controversial figure was involved in assisting Nazi German forces in massacring Ukrainian Jews during the Second World War.

On July 29, members of Stars, a Jewish youth program, were beaten during a fight with neighbors over a noise complaint. The neighbors screamed anti Semitic slogans during the fight. One of the activists sprayed the attackers with noxious gases. No one was seriously injured.

In August posters calling for a boycott of kosher products were found on a message board outside a Russian Orthodox cathedral in Kamyanets Podilsky. (The church has been under renovation for 10 years and was not open to the public). Senior clerics reiterated their condemnation of such materials left by unsanctioned organizations claiming to represent the Orthodox Church.

On September 18, two Jewish leaders in Kherson, Oleksandr Vayner, the director of the Kherson Jewish Charitable Community Center, and Vitaly Bronshtein, the chairman of the Kherson branch of the Council of Regions of the Jewish Conference of Ukraine, accused Serhiy Kyrychenko, a member of the city council, of spreading anti Semitic propaganda. According to their accusation, Kyrychenko has made several appearances on the local radio show "Vik" accusing Jews of robbing the national population and plotting to enslave Ukrainians and exterminate Slavs.

During the summer the SBU exposed a plot by a group of ultra right extremists led by a former policeman in Kirovograd to blow up Kirovograd's Choral Synagogue. Serhiy Tkachuk, the head of the local Ukrainian Security

Service, stated that leaders of the group studied literature on Nazi Germany and Hitler and planned to attack local Jews. The group also was reported to have been planning assaults against foreigners. Members of the group were detained but later released after law enforcement officials threatened them with prosecution if they continued their criminal activity. UNIAN reported on October 7 that the SBU forwarded the case to the Kirovohrad prosecutor's office for further investigation.

On November 22, representatives of the Poltava Oblast Society of Soviet Political Prisoners and the Repressed put up seven wooden crosses on land in Poltava meant for a synagogue. According to the group, the crosses were erected to commemorate the anniversary of the Stalin era famine and they did not know the land was intended for construction of a synagogue. Rabbi Yosef Yitzchak Segal stated that it was a provocation aimed at stirring religious hatred in the city. The Poltava Mayor's Office described installation of the crosses on the land plot as unauthorized and illegal. Unidentified individuals removed the crosses on November 26.

On December 4, in Rivne, vandals smashed windows in a synagogue. The vandals were not identified, and the police investigation continued at year's end.

On December 19, members of the far right Svoboda Party on the Lviv City Council asked that charges be brought against leaders of Chesed Arye, a Jewish organization in Lviv, for distributing a film to schools in the city about the extermination of the Lviv Jewish community during World War II. Representatives of the political party claimed the movie was an inaccurate depiction of local residents.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/dr/irf/rpt.

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

The constitution and the law provide for freedom of movement in the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. 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. Exit visas were required for citizens who intended to take up permanent residence in another country, but there were no known cases of exit visas being denied to citizens during the year. The government could deny passports to individuals in possession of state secrets; such individuals could appeal.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. However the lack of a clearly defined migration policy and the lack of a clearly designated central government authority responsible for asylum and refugee procedures impeded the adjudication of asylum and refugee status. The government provided temporary protection for up to one year to persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

In 2007 the Cabinet of Ministers led, by then prime minister Viktor Yanukovich, issued a resolution designating the SCNR as the central executive authority for migration. On June 18 and July 30, the Cabinet of Ministers, led by

Prime Minister Yulia Tymoshenko, issued two resolutions, granting the Ministry of the Interior the same status as the SCNR without revoking the November 2007 resolution, thereby creating dual authority in the migration system. These resolutions were terminated by the president on July 21 and August 14 respectively, and the president and the ombudsman asked the Constitutional Court for an opinion on the constitutionality of these government resolutions. Ombudsman Karpachova argued that migration policy should be administered by a new civilian body and that police should not be responsible for migration management because it would conflict with their enforcement responsibilities toward migrants. In an October 3 article in the newspaper *Holos Ukrayiny*, then chairman of the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations, Ihor Sharov, also supported a single independent government migration authority not subordinate to a security ministry. In December the president issued a decree ordering the Cabinet of Ministers to set up a central migration authority in the executive branch by the end of the year. However, at year's end the Ministry of the Interior remained the de facto authority for migration issues, while the SCNR also preserved its functions in the area of migration.

On March 4 5, local human rights organizations picketed a Council of Europe conference in Kyiv, claiming that the existing asylum system was ineffective, with less than three percent approval of asylum applications, and that it was nontransparent.

In October 2007 the UNHCR advised states to refrain from returning third country asylum seekers to the country because of the lack of assurances of readmission, lack of access to fair and efficient refugee status determination procedures, unavailability of treatment in accordance with international standards, and the absence of effective protection against deportation to countries where there is reason to believe their lives or freedom would be threatened.

Administrative courts, responsible for reviewing appeals of disapproved asylum applications, were overwhelmed by work, leading to lengthy delays. According to the Code of Administrative Justice, the court process is conducted in the Ukrainian language and a shortage of bilingual interpreters aggravated the problem of timely court examinations of cases.

On July 2, the District Administrative Court of Kyiv found the PGO's decision to deport Chechen refugee Lema Susarov to Russia to be unlawful and ordered his release. Susarov, who had been in detention since July 2007 while appealing the deportation order, was released on July 4 and allowed to resettle in Finland. His release and resettlement were made possible by the concerted efforts of a number of domestic and international human rights organizations, as well as the UNHCR office in the country and the Office of the Ombudsman.

The government provided some protection against the expulsion or return of refugees to a country where there is reason to believe their lives or freedom would be threatened. However, there were notable exceptions to these protections during the year.

At a January 25 press conference, the head of the VGHR, Dmytro Groisman, independent legal counselor Tetiana Montian, and journalist Yuriy Boiko accused Interior Minister Yuriy Lutsenko of giving an unlawful order to arrest Russian opposition activist Mikhail Gangan and keep him in detention for three days without charge. On July 21, he was granted refugee status following active advocacy on his behalf by local human rights groups.

In early March the VGHR, Amnesty International (AI), and the UNHCR office in Kyiv released statements opposing the authorities' return, against their will, of 11 ethnic Tamil asylum seekers to Sri Lanka following a Khmelnytskyi Oblast local court decision on February 27. Human rights groups asserted that the deportees had not been granted the right to appeal the court's decision, were not provided with interpreters and independent legal counsel while in detention, and were mistreated by guards. Human rights groups were concerned that they would be at risk of serious human rights violations upon their return to their home country. All of them had been registered with the

UNHCR in Kyiv between August 2007 and January, and six had applied to the migration authorities for refugee status.

According to the VGHR, on May 23, authorities extradited four individuals to Russia who had not completed the process of refugee status determination.

The Kharkiv Group for Human Rights (KGHR), the UHHRU, and VGHR urged the president to dismiss Prosecutor General Medvedko, who ordered extradition of Russian Oleg Kuznetsov on July 28, despite a court decision confirming his refugee status and banning his extradition.

In a May 5 submission to the UN Human Rights Council, HRW expressed concern that many migrants, especially Chechens, remained at risk of being returned to countries where they could face torture or other mistreatment. According to HRW, authorities denied many asylum seekers in need of protection or refugee status on procedural grounds or failed to evaluate correctly the conditions in their countries of origin.

Human rights groups noted that the current law on refugees does not 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. Informed observers reported that the government may have repatriated Chechen refugees to Russia.

According to the UNHCR, an overly complicated and burdensome system of registration often left asylum seekers without registration 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, who frequently came from Africa and Asia, were the victims of a growing number of xenophobic 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, often needed to complete registration documents.

There were no developments in the involuntary return of 11 Uzbek asylum seekers to Uzbekistan in 2006. Human rights groups expressed concern that no officials involved in their deportation were held accountable.

On December 18, ECHR called for the postponement of the extradition of Uzbek asylum seeker Abdumalik Bakaev until his case could be fully reviewed. The NGO Social Action reported that on December 4 Bakaev was arrested and detained for three days at a district police office in Kyiv. On December 8, after hearing appeals by Social Action, the Hodosiyiv District Court in Kyiv refused to sanction his temporary arrest and Bakaev was released.

The country remained a destination and transit country for migrants. According to press releases by the Ministry of the Interior, law enforcement bodies apprehended 8,399 irregular migrants in the first six months of the year, compared to 7,645 for the same period in 2007. The State Border Guard Service reported that the number of irregular migrants apprehended dropped by 28 percent compared with the previous year. Of the 7,955 irregular migrants expelled from the country during the first six months of the year, 1,206 were deported involuntarily. For the same period in 2007, the figures were 6,981 and 1,208, respectively.

There are no legal provisions for voluntary return. Since 2005 the country's office of the International Organization for Migration (IOM), in cooperation with the State Border Guard Service and the Ministry of the Interior, has operated the Program on Assisted Voluntary Return (AVR), helping stranded migrants and failed asylum seekers to return to their countries of origin. The IOM confirmed that the government continued to refer cases for AVR during the year but noted that it had not established systematic referral procedures, which resulted in inconsistent access to AVR.

Media reported that the Pavshyne Migration Detention Center in Zakarpattia Oblast was officially closed on December 4. The center had been criticized by human rights groups in previous years for its harsh conditions. Most of the detained migrants were transferred to new facilities in Chernihiv and Volyn oblasts that met European Union (EU) standards.

On various occasions during the year, Interior Minister Lutsenko was criticized by human rights groups for attributing the increase in hate crimes to the growing number of irregular migrants in the country, and in July he was accused of making racist statements about immigrants from Asia. Lutsenko claimed that his remarks about Asian immigrants were taken out of context. In a speech at a Council of Europe conference on September 4 5, Lutsenko stated that the ministry's "efforts in combating irregular migration are based on two principles: human rights and protecting state interests."

On September 23, parliament ratified a readmission agreement with Russia, signed in 2006. Similar to the EU readmission agreement, the document does not contain special provisions for the protection of refugees and asylum seekers to ensure that individuals have access to fair consideration of their cases before transfer to a country of transit/origin. NGOs were concerned that this could lead to the involuntary return of Chechen refugees without considering the risk of exposure to human rights violations.

Refugees received minimal material assistance and little opportunity to study Ukrainian; there were no procedures to facilitate their employment.

Stateless Persons

According to the law, citizenship is acquired through birth, territorial origin, naturalization, restoration of citizenship, and adoption. Dual citizenship is not allowed. The Ministry of the Interior and bodies under its jurisdiction received applications for citizenship and forwarded them along with recommendations to the President's Commission for Citizenship.

The number of stateless persons was difficult to determine, and the figures from different sources may overlap. According to the European Council on Refugees and Exiles and local NGOs, there were 3,000 stateless persons who arrived in the early 1990s fleeing the conflict in Georgia. The UNHCR estimated that there were 63,577 stateless persons in 2006, including 8,246 registered de jure as stateless by the Ministry of the Interior. There were an estimated six thousand formerly deported Crimean Tatars who returned to Crimea but have not registered as citizens, as well as lesser numbers from Abkhazia and Georgia. The stateless 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 who arrived in the country as students or visitors both before and after 1991 and remained (often illegally) but failed to register with their consulates or take other steps required by their country of origin. Many continued to hold Soviet passports and did not obtain residency documents after the breakup of the Soviet Union.

Persons who fled conflicts in nearby regions, including Abkhazia, faced difficulties in regularizing their status and had trouble with access to employment and property rights. While the government initially allowed migrants from Abkhazia to obtain temporary residence, including access to employment, medical care, and education, many lost these rights when they failed to reapply for a residence permit when the Law on Immigration came into effect in 2001. In response to complaints, the government extended the residency application period for Abkhazians in 2006 and again in May 2007. However, human rights organizations reported in May 2007 that many were unable to extend their registration at the Ministry of the Interior. According to the UNHCR, they may be considered de facto stateless since they do not enjoy the protections of their country of origin or of Ukraine.

A 2006 presidential decree allowing any foreign national residing legally in the country to register their child born in the country as Ukrainian citizens within three months of submission of an application gave children of asylum seekers and refugees from Georgia the right to gain citizenship without being included in immigration quotas.

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, and citizens exercised this right in practice through periodic, free, and fair elections based of universal suffrage.

Elections and Political Participation

In response to the collapse of the ruling democratic coalition in September, President Yushchenko on October 9 called for preterm parliamentary elections on December 7. That election did not take place; instead, a new coalition was formed on December 16.

Mayoral and city council elections were held in Kyiv on May 25; they were scheduled by parliament in advance of the normal election cycle in response to corruption allegations and as a result of ongoing political disagreements. The incumbent mayor, Leonid Chernovetskiy, was reelected. Seven political parties and blocs won seats to the Kyiv City Council.

CVU assessed the elections as free and transparent and stated that "observers and mass media had full access to all electoral procedures." However, the CVU found these elections less democratic than the preterm parliamentary elections of 2007, mainly due to what it described as vote buying and unbalanced media coverage of the electoral campaign. Incomplete and incorrect voter lists remained a problem.

In a report released during the year CVU highlighted the following problems with the country's election procedures: the absence of an election code; frequent changes to electoral procedures influenced by party politics; the nontransparent procedure of selecting a voting software design agency; what it called the "politically biased" Central Election Commission; a low level of professionalism among local electoral commissioners; and vote buying.

Individuals and parties could, and did, freely declare their candidacy and stand for election.

To be registered at the national level, political parties had to maintain offices in one half of the regions and could not receive financial support from the government or any foreign patron. The Supreme Court reserved the right to ban any political party upon the recommendation of the Ministry of Justice or the prosecutor general. No parties were banned during the year.

As of September 22, there were 36 female members of the 450 seat parliament; women held the posts of prime minister, minister of labor and social policy, secretary of the National Security and Defense Council, head of the state treasury, the ombudsman, the deputy chief of staff/advisor to the minister of the interior, and deputy defense minister. The 18 member constitutional court had two female members.

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 electoral law that would give them greater representation in the Crimean and national parliaments. The law does not allow the creation of regional political parties, so Crimean Tatars had to join national political parties or blocs. Only one Crimean Tatar was a member of the national parliament. According to the Crimea information portal, the Crimean Tatars, who make up 13 percent of the population of Crimea, occupied seven seats in the 100 member Crimean parliament. Eight of the 25 senior officials

in the Crimean government were Crimean Tatars, including one deputy prime minister and the minister for labor and social policy, the chairman of the Crimean government Committee on Inter Ethnic Relations and Deported Peoples, and the chairman of the Crimea government information committee. Two of the 14 heads of raion (county level) administrations were also Crimean Tatars. Crimean Tatars remained underrepresented in city councils and city administrations. For example, neither the mayor of Simferopol nor any of the deputy mayors was a Crimean Tatar. The Crimean Tatar representative body, the Mejlis, was not legally recognized by national authorities.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however the government did not enforce the law effectively, and officials often engaged in corrupt practices, at times with apparent impunity. Corruption remained a serious problem in the executive, legislative, and judicial branches of the government, including the armed services. According to Interior Minister Yuriy Lutsenko, each year police and prosecutors register approximately 1,500 instances of bribery; however, only an average of 40 offenders a year are convicted of bribery.

The Interior Ministry's unit for combating organized crime recorded 1,063 crimes by law enforcement personnel related to their duties, of which 273 involved abuse of office and power, 56 involved excessive use of power or office, and 313 involved bribes. The ministry established a special hot line to take reports of corruption. Jointly with State Judicial Administration, the Ministry of the Interior established a special hot line to take reports on judicial corruption.

The SBU reported that its special units and other law enforcement bodies initiated 1,939 criminal investigations of alleged corruption and brought administrative charges against 882 government officials during the first six months of the year. According to the Interior Ministry, police uncovered more than 3,000 crimes involving bribery; of 1,600 individuals caught for taking bribes, 367 were government employees.

The PGO confirmed that in the first 10 months of the year, eight judges were found criminally liable for corruption and six judges faced criminal charges of corruption. During the first nine months of the year, prosecutors initiated 1,271 criminal cases of corruption against 1,410 individuals, compared with 1,129 cases against 1,237 individuals in the same period a year ago. During the first 10 months of the year, military prosecutors opened 164 criminal cases for corruption, of which 27 involved military police and 137 involved other military personnel.

According to the February survey by the project "Promoting Active Citizen Engagement in Combating Corruption in Ukraine," almost 63 percent of respondents described public servants as very corrupt, and 19 percent of those polled said they engaged in corrupt activities with public servants to obtain state services in the previous 12 months.

There were no developments in the investigation of Oleksiy Ivchenko, the former chairman of Naftohaz, the country's national oil and gas company, for alleged corruption in 2005-06. Ivchenko, the leader of the Congress of Ukrainian Nationalists, claimed the accusations were politically motivated. On March 3, the SBU initiated an investigation of other Naftohaz officials suspected of embezzling state funds.

On February 9, former transportation minister Mykola Rud'kovskiy was arrested for not cooperating with an investigation into corruption allegations against him. The SBU alleged that he went on a spree of international charter flights that cost the taxpayers one million hryvnia (approximately \$130,000), while Rud'kovskiy claims that the travel was state business. The minister of the interior accused Rud'kovskiy of misusing more than 8.5 million hryvnia (approximately \$1.1 million) in state funds. He was released from detention by the Kyiv Appeals Court on February 19 on a pledge not to leave the country. On October 7, the Pechersk District Court in Kyiv forwarded his case to the Kyiv prosecutor's office for further investigation, arguing that the pretrial investigation violated criminal

procedure law.

On January 4, the Sumy District Court found former Sumy mayor Volodymyr Omelchenko guilty of extortion in 2006 and sentenced him to three years' imprisonment, with a one year suspended sentence.

On July 3, the Silski Visti newspaper reported that the largest bribery cases recorded by the Ministry of the Interior during the year were 26 million hryvnia (approximately \$3.4 million) to a village leader and village council member in Crimea for allocating a land plot; 3 million hryvnia (approximately \$387,000) to the head of a city council and his assistant in Dnipropetrovsk Oblast; and 2.3 million hryvnia (approximately \$300,000) to a village leader and village council member in the Vasylykivskiy District in Kyiv Oblast.

On October 2, the PGO opened a criminal investigation of the head of the Lviv Administrative Court of Appeals, Ihor Zvarych, for allegedly accepting large sums of money as bribes. On December 12, the Supreme Council of Justice, following the president's appeal, dismissed Zvarych from his post. In December he was stripped of judicial immunity and a warrant was issued for his arrest. He disappeared shortly thereafter, and remained at large at year's end.

On December 4, UNIAN reported that the SBU detained the Interior Ministry's deputy chief of internal security for taking a bribe in the amount of 960,000 hryvnia (approximately \$124,000). The Pechersk District Court in Kyiv decided to not launch a criminal case. Prosecutors planned to appeal the court's decision.

There were no developments regarding the arrest warrant ordered by parliament in February 2007 for Judge Oleh Pampura on charges of demanding a bribe to reduce a court sentence. Press accounts at the time reported that Pampura was in hiding.

There were no further developments regarding the 2007 arrest of a former judge of the Kalynivskiy District Court in Donetsk Oblast, Vadym Sydorenko, for accepting a bribe in 1999.

The law requires officials to file financial disclosure statements, although these often underreport actual income. The Law on Combating Corruption designates special subdivisions at the Ministry of the Interior, the SBU, prosecutors' offices, and the Military Law and Order Service (military police) as responsible bodies for combating corruption.

The constitution and the law give the public a right to access official information, except that related to national security. Government bodies are required to respond to information requests within 10 days and to provide the information within 30 days. Denials can be appealed to a higher level at the agency concerned and then to a court. However, many human rights organizations and journalists stated that access to official information remained difficult during the year and no implementing legislation that might improve it was enacted. Government officials often did not understand the rules defining releasable information, and Soviet style attitudes and traditions of secrecy were prevalent.

On December 4, human rights organizations criticized the Ministry of Health for being the most nontransparent government body. They claimed that the ministry failed to respond to information queries and unlawfully classified documents that should be in the public domain.

On June 10, the Administrative Court of Donetsk Oblast declared that SPD chairman Vasyl Koshchynets's refusal to give the Donetsk based NGO Memorial statistics on the number of deaths in SPD facilities was unlawful. However, there were no reports indicating Koshchynets subsequently released the information or that he was punished for not doing so.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights; however, government officials were not uniformly cooperative and at times resisted taking the views and recommendations of nongovernmental groups into account. In one instance administrators of a correctional colony sought to sue a human rights NGO for publicly describing alleged violations in detention facilities, but the court rejected the suit.

Domestic NGOs could freely criticize the government's human rights performance. For example, on July 30, Yevhen Zakharov of KGHR characterized governmental efforts in the area of human rights as "chaotic, non systemic, and ineffective." He excepted the Ministry of the Interior, which he said continued to cooperate with civic advisory councils, mobile monitoring groups, and the new human rights monitoring department within the ministry itself.

The SBU continued to work with its advisory council, consisting of political leaders, NGO activists, and independent experts, to provide civilian oversight and increase the transparency of SBU activities. In April the SBU held a conference on promoting democratic values and human rights within the SBU. Participants included government officials, diplomats, and representatives of human rights NGOs.

According to the Ukrainian Psychiatric Association, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuses of psychiatry, especially in penitentiary institutions. According to the UHHRU, the SPD cooperated with NGOs that provided financial assistance to prison facilities but did not cooperate with those that raised concerns about conditions and prisoners' rights in its facilities.

In July the management of the correctional colony in Stryzhavka, Vinnytsia Oblast, filed a defamation lawsuit against the VGHR, which had released a statement on June 10 expressing concern about grave violations of human rights, including the beating of prisoners, in detention facilities. It noted the increased number of suicides of detainees. On July 25, HRW released a statement urging prison officials to withdraw the lawsuit. On July 28, the Leninskiy District Court in Vinnytsia rejected the lawsuit because it was outside the court's jurisdiction.

Major independent, nonpartisan, human rights NGOs and civil liberties groups included CVU, KGHR, the Ukrainian Helsinki Human Rights Union NGO coalition, AI Ukraine, the Institute for Mass Information, the Chirikli Roma Women's Fund, the Ukrainian Union of Psychiatrists, Kharkiv based Legiteam, La Strada Ukraine, the Congress of National Communities of Ukraine, the Diversity Initiative network, and VGHR.

The government generally cooperated with international governmental organizations, including the UN, the Organization for Security and Cooperation in Europe, and PACE. Citizens may apply to the ECHR for the redress of grievances involving an alleged infringement of rights under the European Convention on Human Rights. The court announced that during the year it handed down 110 judgments against Ukraine and that 8,250 applications were pending before the court. Most court judgments involved violations of the right to a fair trial, violation of property rights, and unduly lengthy proceedings. According to the government's ECHR commissioner, Yuriy Zaitsev, the ECHR issued 76 rulings in cases involving Ukraine during the first nine months of the year, and the government enforced 67 ECHR rulings.

On January 18, a human rights monitoring department was established in the Ministry of the Interior. Civilian assistants to the minister of the interior were appointed in each oblast, as well as in Kyiv and Sevastopol, to act as liaisons between the local population and the central ministry and to assist with monitoring police observance of human rights. The department also engaged in revising internal procedures to bring them into compliance with international and national human rights standards. In the first six months of its work, the department carried out

374 inspections of regional police units, met with more than 1,790 citizens, and initiated 470 investigations into allegations of human rights abuse by police personnel.

A justice ministry advisory council, chaired by a civic leader, continued to monitor the human rights situation in prison facilities. Civic advisory councils continued to work with the Ministry of the Interior, the State Penal Department, and the SCNR.

The constitution provides for the position of human rights ombudsman, officially designated as the parliamentary commissioner on human rights. The Ombudsman's Office marked its 10th anniversary during the year and issued a special report on the implementation of international human rights standards in the country. Although a number of human rights organizations criticized the Ombudsman's Office for inadequate responses to claims of human rights violations and for not cooperating with human rights groups, the ombudsman was active in addressing labor rights, children's rights, detention conditions, refugee rights, migration policy, and xenophobia.

While noting some improvements in the performance of the Ombudsman's Office, human rights experts expressed concern that the public at large did not know how to bring complaints to the ombudsman; there were also complaints that the office's activities lacked transparency, that it did not respond to information queries, and that its Web site, potentially a major avenue for communicating with the public, was poorly updated.

A parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations was organized to deal with such issues as human rights, interethnic relations, gender policy, indigenous peoples, national minorities and ethnic groups, deported persons, victims of political repression, ethnic policy, prevention of domestic conflict, and refugees and migration.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, gender, and other grounds; however, the government did not enforce these provisions effectively, in part due to the continuing absence of an effective judicial system and in part because the law does not contain a mechanism providing protection against discrimination. Violence against women and children; gender and age based discrimination; trafficking in persons; harassment and discrimination against ethnic minorities, homosexuals, individuals with disabilities, and persons with HIV/AIDS; and a rise in xenophobic violence were problems.

Women

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 the Interior, during the first nine months of the year, police recorded 654 incidents of rape or attempted rape, a decrease of 5.7 percent compared with the same period in 2007. Police identified 472 offenders, compared with 436 in 2007.

Violence against women remained a serious problem. Spousal abuse is illegal but was common, and authorities often pressured women not to press charges against their husbands. Advocacy groups asserted that the percentage of women subjected to physical violence or psychological abuse at home remained high. According to women's rights groups, only one tenth of domestic violence cases were reported, and approximately 90 percent of domestic violence victims were women. At its meeting on March 5, the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations concluded that there was no integrated state policy to combat domestic violence.

According to the Ministry of the Interior, police cited more than 83,400 individuals for committing acts of domestic

violence. During the first nine months of the year, police issued 61,500 warnings and 4,800 injunctions for protection related to domestic violence. As a result of complaints, 48,377 persons were fined, 222 were sentenced to community service, and 6,307 were put under administrative arrest. Administrative charges were brought against more than 76,300 individuals, of which 75,200 were for committing acts of domestic violence and 1,100 for disobeying injunctions of protection.

Authorities operated six shelters for victims of domestic violence, 18 crisis centers for women, and 24 centers for psychological and medical assistance. The law requires the government to operate a shelter in every major city, but in practice, they did not, in part due to the lack of municipal funding and insufficient oversight from the Ministry of Family, Youth, and Sports.

According to women's advocacy groups, private 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.

During the year Kyiv authorities ordered the Kyiv Women's Center to vacate its city provided office in the city's Shevchenkivskiy district in order to return the property to the city for sale or rent to another organization. The fate of the center was uncertain at year's end, despite numerous protests by women's advocacy groups. The city had provided office space for the center since 1998.

Violence against women did not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem.

Prostitution is illegal but was widespread and largely ignored by the government. Sex tourism remained a problem. Trafficking in women for sexual exploitation was a serious problem. Laws criminalizing organized prostitution and penalties for human trafficking had little effect because convicted traffickers often did not end up serving prison time or received light sentences.

Women's groups reported that there was continuing, widespread sexual harassment in the workplace, including coerced sex. While the law prohibits forced sex with a "materially dependent person," which includes employees, legal experts regarded the safeguards against harassment as inadequate.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed. However, industries dominated by female workers had the lowest relative wages. The labor code sets the retirement age for women at 55 and for men at 60. Women received lower salaries and had limited opportunities for advancement. In a submission to the UN Human Rights Council on May 5, HRW concluded that "women do not enjoy equal access to employment as a result of discriminatory attitudes among both public and private employers, including discriminatory recruitment practices." Unemployment remained higher for women than men, and women worked four to six hours longer than men.

Children

The government was publicly committed to the defense of children's rights and welfare but did not adequately fund the provision of education, health care, and other services for children.

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 attaining the mandatory age. According to the PGO, more than three percent of school age children did not attend school in

2007. Many of these were employed in agriculture and illegal coal mines or, in some cases, forced by their parents to beg in the streets. NGOs reported that a lack of schooling remained a significant problem among the rural population. In some cases rural schools were closed due to the small number of school age children, forcing the remaining children to travel long distances, often at personal expense, to attend schools in other villages.

According to the PGO, in 2007 there were 103,000 child orphans and children without parental care. Each year approximately 20,000 children were placed in shelters to prevent their involvement in begging and vagrancy.

Children continued to be victims of violence and abuse. During the first half of the year, the Ministry of the Interior recorded 2,419 underage crime victims, including 130 rape victims, 23 victims of abduction, 10 victims of exploitation, 41 victims of statutory rape, 190 victims of molestation, 578 victims of grave neglect by foster parents and child care facilities, eight victims of foster care abuse, 1,261 victims of forced involvement in criminal activity, 150 victims of forced use of narcotics, and 28 victims of human trafficking. During the year the ministry cited 6,924 families for violence against children and issued 2,744 warnings and 264 protective injunctions concerning domestic violence against children. During the year police opened 404 criminal cases involving domestic crimes against children, including nine for infanticide, 96 for child molestation, 24 for sexual relations with underage children, and 275 for intentionally inflicting bodily injury. There were also many complaints of abuse related to child prostitution, pornographic video sales, child molestation, and illegal child labor. According to civil society groups, police often did not investigate parents who allegedly abused their children.

No developments were reported regarding the 2006 criminal investigation of police officers accused of illegally detaining and raping a child in Zaporizhzhya Oblast or regarding the case of a boarding school teacher accused of slamming the head of a sixth grader against a desk and beating two other pupils in Kherson in 2006.

There were approximately 186,000 children with disabilities, according to the chair of the Parliamentary Committee on Healthcare, Tetyana Bakhteyeva. According to Valeriy Sushkevych, chair of the Parliamentary Committee for Pensioners, Veterans, and the Disabled, children with disabilities made up 2 percent of children in the country. Almost 8,000 were in boarding schools under the Ministry of Labor, and more than 10,000 were in boarding schools under the Ministry of Education. Inspections by the PGO in 10 oblasts with large numbers of children with disabilities revealed that local authorities failed to address their needs adequately.

Advocacy groups claimed that there were instances of government-funded facilities misappropriating funds intended for children with disabilities. On March 24, Kyiv prosecutors reported that their inspections of institutions for children revealed numerous infringements of children's rights, mostly of orphans, children with disabilities, and children without parental care. In particular, the prosecutors determined that children in Kyiv orphanages did not receive their social pensions. In one example, six children with chronic diseases did not receive special meals regularly. Prosecutors ordered that the children receive their meals and took disciplinary action against the director of this orphanage.

There were no developments reported in the November 2007 case in which the administration of the Torez specialized boarding school in Donetsk Oblast used children with physical and mental disabilities from the facility to sift and load coal, or in the 2006 case of 60 children from orphanages and boarding schools in Sevastopol who were unlawfully held in a local psychiatric hospital.

The All Ukrainian Network of Persons Living with HIV expressed concern about discrimination against HIV positive children in educational institutions. For example, on August 7, Ukrayina Moloda reported that an orphanage in Kirovohrad refused to admit a six-year old HIV positive boy abandoned by his mother. The NGO complained to the department of education in Kirovohrad, but the department refused to help, stating that there were no specialized facilities for HIV positive orphaned children in the oblast.

According to the communications and public relations department of the Cabinet of Ministers and independent children's rights experts, in 2007 there were approximately 130,000 homeless children in the country.

The commercial sexual exploitation of children remained a serious problem. According to domestic and foreign law enforcement officials, a significant portion of Internet child pornography continued to originate from the country. According to the IOM, the antitrafficking department at the Ministry of the Interior broke up an internet child pornography ring. Investigators confiscated approximately 17.5 million hryvnia (approximately \$2.3 million) and evidence indicating the production of child pornography. Several persons were arrested, and a criminal case was opened against the administrators of a pornographic Web site.

On February 1, the Western Ukrainian Informational Portal, ZIK, reported that the prosecutor in the Yavoriv District of Lviv Oblast opened an investigation of a man suspected of counterfeiting children's travel documents for the purpose of trafficking them outside the country.

There were no reported developments in the November 2007 Europol operation that uncovered a worldwide child sex offender network, including pornographic material produced in a studio in Ukraine.

Trafficking In Persons

The law prohibits all forms of trafficking in persons; however, there were numerous reports that persons were trafficked from the country and a limited number of reports that persons were trafficked to and within the country.

The country remained a country of origin for internationally trafficked men, women, and children. Their main destinations were the Middle East, Russia, Turkey, and Western and Central Europe--particularly Poland, the Czech Republic, Italy, Germany, and Portugal. The country was also a transit point for traffickers and victims from Central Asia, Russia, and Moldova, usually to destinations further west.

The IOM confirmed that both the number of identified victims of trafficking for forced labor and of the number of criminal cases related to labor exploitation increased during the year. These cases posed a challenge to law enforcement and the judiciary, as there were no guidelines from the Supreme Court on investigating and prosecuting trafficking cases involving labor exploitation. Despite the lack of guidelines, the IOM noted that several cases were successfully prosecuted during the year.

The IOM reported that three individuals from Belarus, India, and Nigeria were trafficked into the country.

The IOM also noted an increase in the number of identified cases of internal trafficking and identified 17 such cases in the first half of the year.

Of trafficking victims identified by the IOM during the year, 76 percent were women who had been forced into prostitution or used as housekeepers, seamstresses, dishwashers, or as workers at various small and large manufacturing plants. A small number of women with small children and persons with disabilities were trafficked abroad for begging. Men exploited for their labor comprised 24 percent of the victims identified by the IOM. They worked mainly on construction sites and in mines. Children trafficked across the border or within the country were forced to provide sexual services, engage in unpaid work, or beg.

According to the IOM, the main trafficking victims were women up to 30 years of age (for sexual exploitation), older women (for labor exploitation), men of all ages (for labor exploitation), and children under the age of 16 (both for sexual and labor exploitation). When they were recruited, the majority of victims were employed but were earning low salaries and thus were tempted by an offer of better wages abroad. According to local NGOs, orphaned

children, required to leave orphanages at 18, were also at high risk, since they had no family support structures, had difficulty finding work, and often had no place to live.

Victims were usually trafficked into severe conditions that included beatings, limited and poor quality food, no medical assistance, and long hours of work.

Estimates of the number of local trafficking victims varied. A survey conducted by the IOM and released in 2006 stated that approximately 117,000 locals had been forced into exploitative situations in Europe, the Middle East, and Russia since 1991. The survey indicated that 80 percent of the victims were trafficked for labor exploitation.

Employment, travel, marriage, and modeling agencies, as well as individuals, were involved in recruitment. Most traffickers were members of organized crime groups and had foreign partners. In some cases they bribed corrupt officials to facilitate the movement of victims abroad. The number of men and women among recruiters was almost equal. Sometimes previously trafficked women served as "success stories" to recruit potential victims, flaunting the money they had ostensibly earned abroad. The majority of recruiters were identified as citizens.

Traffickers continued to recruit by means of newspaper, television, and radio advertisements promising high salaried jobs abroad, modeling contracts, marriage proposals, or overseas trips through travel agencies. Traffickers often presented themselves as friends of other friends and deceived the relatives of potential victims. They often paid for processing of victims' passports and travel, thus placing the victims into debt bondage. In some cases traffickers kidnapped their victims.

The law provides penalties of three to eight years' imprisonment for trafficking in persons for sexual and labor exploitation and other purposes. Traffickers of minors ages 14 to 18, and of groups of victims, may be sentenced to five to 12 years. Traffickers of even younger minors or members of organized trafficking groups may receive eight to 15 years in prison.

As of November, according to interior ministry statistics, authorities filed 304 trafficking cases, broke up 17 organized criminal rings, brought criminal charges against 98 individuals, and forwarded 250 criminal cases to the courts.

During the first half of the year, courts completed 33 trafficking cases, reaching guilty verdicts in 29 cases and convicting 43 defendants. Eighteen of the convicted defendants appealed, 16 received suspended sentences, one was sentenced to up to three years in prison, four were sentenced to three to five years in prison, and four were sentenced to five to 10 years in prison. Courts heard but did not reach a verdict in 70 additional cases over the same period. The percentage of persons sentenced to prison rather than probation continued to decline, from 43 percent in 2006 and 40 percent in 2007 to 36 percent in the first six months of the year.

As of August 22, 707 private entrepreneurs and companies had licenses to arrange employment abroad. The government reported that it regularly reviewed the licenses of domestic employment agencies. From January 2007 through July, the Ministry of Labor and Social Policy conducted 433 checks and invalidated 144 licenses. A few of these actions resulted from involvement in trafficking. Some labor officers reportedly overlooked violations in return for bribes.

Corruption in the judiciary and police continued to impede the government's ability to combat trafficking. NGOs asserted that local police and border guards took bribes to ignore trafficking, and judges did so in return for lighter sentences. The low number of prosecutions of officials for trafficking related corruption raised questions about the government's willingness to take serious disciplinary action, especially against high level officials. Antitrafficking experts noted that prosecutors were often the weakest link in the fight against trafficking due to their negative

stereotypes of victims and their failure to prosecute aggressively. The difficulty of obtaining evidence from abroad was another factor contributing to the small number of cases brought to court.

While some victims testified against traffickers, most were reluctant due to lack of trust in law enforcement agencies and the courts as well as concern over negative public opinion toward trafficking victims, weak witness protection programs, and victims' perception that investigators and judges did not understand the real threats to victims from traffickers. Skepticism that civil courts would award significant compensation deterred victims from filing civil suits. During the year some authorities took steps to resolve these problems. Two courts in Ivano Frankivsk were outfitted with a separate witness room that enabled witnesses and victims of trafficking and other serious crimes to testify safely and, if necessary, confidentially through a video or telephone connection. The arrangement allowed judges to protect the rights of the victims, witnesses, and defendants while examining evidence in a case and gave prosecutors the ability to offer reluctant witnesses security and protection during a court trial.

Local NGOs operated some shelters in major cities with local administrations providing the premises at a nominal fee. Government funding for these facilities continued to be limited. Nevertheless, a toll free hot line offering advice and warnings regarding employment abroad continued to operate and provided assistance to persons who were exploited while abroad.

Government cooperation with NGOs on antitrafficking programs was steady during the year. Local administrations continued to include NGOs as partners in their regional action plans, but international donors continued to provide most of the funding for informational materials, free or inexpensive offices, and shelters. However, local authorities provided modest financial and in kind assistance to NGOs, including small grants ranging from 500 hryvnia (approximately \$65) to more than 19,000 hryvnia (approximately \$2,450) for prevention campaigns, training, publishing informational materials, transportation, and free use of premises for training and prevention activities.

During the year several television stations broadcast documentary films and informational programs highlighting the danger of human trafficking. NGOs conducted general awareness campaigns throughout the country, often in cooperation with government entities.

The government worked to improve assistance provided by its diplomatic missions to victims in destination countries. In the first nine months of 2007, the country's overseas consulates helped repatriate 353 citizens who were victims of trafficking. The Ministry of Foreign Affairs set up a center in Kyiv and five other major cities to provide free consultations to citizens regarding their rights in foreign countries.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and other state services. However, advocacy groups maintained that the government did not effectively enforce these provisions and that the efforts by the government, the such as the social psychiatry unit within the Ministry of Labor and Social Policy whose function is to monitor the country's psychiatric boarding schools, were undermined by a lack of resources. The National Assembly of the Disabled criticized the Ministry of Family, Youth, and Sports, the main government body responsible for promoting the rights of youth with disabilities, for not including reference to the needs of these youth in the ministry's annual reports.

Government estimates of the number of persons with disabilities varied between 2.4 to 2.7 million. According to chair of the Parliamentary Committee on Healthcare, Tetyana Bakhteyeva, there were 186,000 children with

disabilities. The law mandates access to buildings and other public facilities for persons with disabilities, but it was poorly enforced. Some efforts were made to improve access to government and public buildings in accordance with a 2005 presidential decree, but most public buildings remained inaccessible, thereby making access to essential services and activities such as employment, education, health care, transportation, and financial services extremely difficult.

NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population. They also noted that the lack of needs assessment programs by state funded employment centers led to the placement of graduates with disabilities in inappropriate jobs. Advocacy groups noted that university graduates with disabilities often ended up in menial jobs or being hired to meet government quotas but then being told not to come to work. According to the Zakarpattia Regional Center for Social Labor Rehabilitation and Vocational Training, a large number of children with disabilities did not go to school because special education programs, particularly for children with profound or severe disabilities, were not available.

According to the Ministry of Labor and Social Policy, in the first nine months of the year, 7,571 persons with disabilities received jobs through government employment placement services. The ministry also reported that 12,262 students with disabilities were studying in vocational and academic institutions of higher learning during the 2007-08 academic year.

The ministries of Health, Education and Science, and Labor and Social Policy were responsible for specialized boarding schools for persons with mental and physical disorders. According to Semyon Gluzman of the Ukrainian Psychiatric Association (UAHRB) and experts of the Association of Relatives of Recipients of Psychiatric Assistance, patients in psychiatric hospitals remained at risk for abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the UAHRB, 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.

In July an international commission of the German Polish Society for Psychiatric Healthcare, accompanied by local psychiatrists Iryna Pinchuk and Yuriy Zakal, expressed concern about inadequate conditions at several psychiatric care facilities in Odesa, Sevastopol, Simferopol, Yalta, and Kyiv. The majority of the hospitals they visited had problems with sanitation, overcrowding, lack of personal storage space, and insufficient funds to purchase quality medications.

No developments were reported regarding the January 2007 case involving abuse of a mentally disabled patient at a hospital for persons with mental disabilities in the Svyatoshyn district of Kyiv or the reportedly deliberate underfeeding of patients at an institution for children with severe physical and mental disabilities.

According to Kyiv prosecutor Yevhen Blazhivskiy, in 2007 and the first nine months of the year, prosecutors opened 19 criminal investigations involving disability rights and convicted 32 officials. Kyiv prosecutors found violations by employers who misused money from the Social Security Fund for the Disabled.

National/Racial/Ethnic Minorities

The constitution and the 1992 Law on National Minorities contain general language about the protection of ethnic groups, but the law refers only to citizens. The constitution prohibits discrimination based on race; skin color; political, religious, or other beliefs; gender; and ethnic and social origin; however, there were no implementing laws. The mistreatment of minority groups and foreigners of non Slavic appearance remained a serious problem.

Incitement to ethnic or religious hatred is prohibited by Article 161 of the criminal code. Although human rights

organizations in earlier years expressed concern that the law's requirement to prove "direct intent," including proof of premeditation, made it difficult to apply in practice, there were four guilty verdicts in hate crime trials during the year. Nevertheless, the application of Article 161 remained rare; both police and prosecutors preferred to treat racist crimes under the laws dealing with hooliganism or other offenses that were easier to prosecute.

The Law on Printed Mass Communication Media allows for the suspension of publications for inciting religious or ethnic hostility. It has not been invoked in practice.

International and domestic human rights groups noted signs of growing ethnic intolerance and the impunity of those responsible for acts of violence during the year. According to NGOs, in recent years xenophobic attacks have become more systemic and brutal, although some officials have denied signs of xenophobia or racism and insisted that hate incidents were isolated and did not represent a trend. On April 2, the Cabinet of Ministers ordered the establishment of an interagency working group to combat racism, xenophobia, and discrimination. It includes the ministries of Justice, Interior, Foreign Affairs, and Education and Science, as well as the SBU, the SCNR, and other offices and NGOs. The working group met throughout the year and submitted a two year action plan to the cabinet, which approved it in August.

Statistics on the frequency of hate crimes remained difficult to find. The department responsible for ethnic crimes in the Ministry of the Interior did not record statistics on reported hate crimes. Human rights groups noted that police often failed to admit the existence of ethnically motivated crimes and often qualified such acts as "hooliganism." NGOs estimated that police crime reports reflected only five to 10 percent of all hate crimes.

Although no official statistics were available, human rights monitoring groups reported more than 70 attacks that appeared to be racially motivated during the year. They involved mainly Middle Eastern, Asian, and African nationals. Five of the attacks, all in Kyiv, were fatal. The Diversity Initiative, a network of NGOs, recorded 63 violent incidents and 18 nonviolent incidents that appeared to be racially motivated.

On January 27, a 19-year old Congolese refugee was killed in Kyiv; police detained two young male suspects. On July 10, the media reported that, although earlier evidence pointed to skinhead involvement, investigators dropped hate crime charges and viewed hooliganism as the main motive for the crime. The investigation was ongoing at year's end.

On March 8, a 39-year old refugee from Sierra Leone was killed; Kyiv police detained two teenaged suspects on March 12. Both suspects, who claimed to belong to a skinhead group, remained in custody and the investigation was ongoing at year's end.

On May 29, unknown persons killed a 40-year old Nigerian in a market. Police stated that the motive for the attack was unknown. On June 3, the UNHCR and the IOM, joined by approximately 30 human rights organizations, released a statement urging authorities to conduct a thorough investigation, including of the possibility that the killing was racially motivated.

On January 10, Charles Asante Yeboa, the director of the African Center in Kyiv, was attacked at a bus stop near Kyiv's Shulyavska metro station by approximately 10 young men. Asante Yeboa, who suffered serious injuries, was told by police that the attack was a robbery and not racially motivated. Four suspects were detained but later released.

During the year courts convicted a number of persons for crimes against foreigners. On April 17, the Darnytsia District Court in Kyiv announced its verdict in the 2006 killing of a Nigerian medical doctor, 47 year old Kunoun Mievi Goddi, in Kyiv by three youths apparently associated with local skinhead groups. The court convicted two

defendants under the hate crime statute and sentenced them to 11 and four years in custody; the third defendant was amnestied due to his young age.

On April 17, the Podilskiy District Court in Kyiv sentenced an 18 year old skinhead to three years' confinement under the hate crimes statute for assaulting a Japanese tourist in Kyiv in October 2007.

The Web site of the Kyiv Jewish community reported that on April 22, a court in Kirovohrad found a local schoolteacher, Mykola Yakymchuk, guilty of incitement to ethnic hatred for making anti Semitic statements to his class. The PGO reported that Yakymchuk was later granted amnesty.

On May 5, the media reported that the Kyiv Court of Appeals convicted four persons of committing a hate crime and sentenced each to 13 years in prison for the 2007 murder of a Korean national, Kang Jongwong. The defendants, who appeared to have links to an extremist group, claimed the death was an accident.

There were no developments reported in a number of incidents in 2007 that appeared to be racially or ethnically motivated, including an attempt by skinheads to break into a Lviv nightclub to disrupt a concert by supporters of the Belarusian antifascist movement; the fatal stabbing in February of 34 year old Georgian Moris Dzugashvili; the arrest of the organizer of a March rally of ultranationalists in Kyiv to protest the presence of African traders in Kyiv's Shuliavka market; the fatal stabbing in March of an Iranian Ukrainian person near Kyiv's Lukianivka market, or the fatal stabbing in Kyiv in June of a 43 year old Iraqi refugee.

According to the Ministry of the Interior, the 2006 stabbing in Kyiv that resulted in the death of Lamin Jarjjou, a Gambian student at the National Aviation University, was not a racially motivated attack. Police detained four persons whom they claimed killed the victim while committing a robbery.

A report released during the year by AI concluded that "inadequate provisions in the law, poor police responses, and a failure to acknowledge the gravity of racially motivated crimes have led to virtual impunity for the perpetrators of racist crimes."

Harassment of racial and ethnic minorities by law enforcement authorities was a continuing problem. There were reports that police occasionally detained dark skinned persons for arbitrary document checks, whereas document checks of light skinned individuals were rare. On March 27, the Kharkiv District Administrative Court refused to hear a lawsuit filed by a local lawyer, an ethnic Armenian and long time resident, who alleged that he was regularly stopped by police for identity checks because of his physical appearance. On July 29, the Kharkiv Administrative Court of Appeals overturned a lower court's decision and determined that a local police chief failed to inform an ethnic Armenian of his rights during detention. However, the court did not support his claims of discrimination.

On August 28, a foreign citizen of African descent was detained by plainclothes police officers while he was disembarking from a bus in Kyiv. Police beat him and took him to a police station, where they tied him to a chair with a belt and held him for several hours. He was then released without charge. The victim believed that he was singled out because of his ethnicity. Police claimed that the detainee resembled one of the suspects in a series of taxi robberies that occurred in June and July. The Ministry of Foreign Affairs later stated that the officers involved had been disciplined.

AI and domestic advocacy groups asserted that the victims of xenophobic attacks could find themselves prosecuted for having acted in self defense. For example, Daniel Osaemor, a Nigerian who was attacked and stabbed by three youngsters on February 19 in Kyiv, was subsequently charged with hooliganism for hitting one of the men.

The European Commission against Racism and Intolerance and international and domestic monitoring NGOs

reported increasing racial hatred and xenophobia, influenced by foreign skinhead and neo Nazi groups, soccer hooligans, as well as such locally based neonationalist organizations as the unregistered Ukrainian National Labor Party, the Patriot of Ukraine organization, the Ukrainian Movement against Illegal Immigration, and the National Action "RID." Ombudsman Karpachova opened an inquiry into claims that extremist political groups held a torchlight procession on the campus of the National Technical University in Kyiv on March 23, shouting anti immigrant slogans. The media and NGOs also reported protests against irregular migrants and foreign students by extremist youth groups in Kharkiv, Ternopil, Chernivtsi, and Chernihiv.

On May 29, the SCNR released a statement expressing concern about a threat posted on a hate group's Web site against Mridula Ghosh of the East European Development Institute, an Indian national who was active on combating xenophobia. The SCNR requested a legal assessment of this publication from the SBU, the PGO, and the Ministry of the Interior. The threatening material was eventually removed from the Web site.

According to the Ukrainian State Institute of International Education, 45,000 foreign students from 134 countries were studying in the country during the year. A study by a Fulbright researcher concluded that the educational environment remained unsafe for foreign students. During 2007-08 there were 15 attacks on foreign students, and one was killed.

Roma faced both governmental and societal discrimination. Roma rights groups estimated the country's Romani population at 400,000, while official census data cited 47,600. The discrepancy was caused in part by lack of legal documentation and records for many persons in the Roma community.

Representatives of Romani and other minority groups claimed that police officials routinely ignored, and sometimes abetted, violence against them. On July 17, the European Roma Rights Center (ERRC) wrote to Interior Minister Yuriy Lutsenko, expressing concern over the failure of the justice system with respect to "serious breaches of the fundamental rights of Roma."

On March 31, ERRC sent a letter to the chair of the Parliamentary Committee on Freedom of Speech and Information expressing concern about the linkage of Roma with crime in the media and inappropriate references to Roma ethnicity in the reporting on crimes. The Chirikli Roma Women's Fund expressed concern over a March 25 program on privately owned channels 1+1 and 5, repeated by UNIAN, that portrayed Roma as criminals who allegedly sold 50 unemployed and socially disadvantaged residents of the Odesa Oblast into slavery. The information for the report was provided by the Ministry of the Interior's press service in the oblast.

There were some reports of government cooperation with the Roma community. The chairman of the Roma Congress of Ukraine, Petro Hryhorychenko, was 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 the Russian language and other minority languages," but organizations and political parties in the Russian speaking community complained that the increased use of Ukrainian in schools, college entrance exams, the media, and the courts put them at a disadvantage.

There were no developments in the incident involving Arsen Klincchayev, who was beaten by Serhiy Melnychuk in a dispute over use of the Ukrainian language in Luhansk Oblast in 2006.

Ukrainian and Crimean Tatar minorities complained of discrimination by the ethnic Russian majority in Crimea and the independent city of Sevastopol and called for the Ukrainian and Crimean Tatar languages to be given a status equal to Russian in Crimea. Early in the year, the head of the Crimean Republican Committee for Nationalities and

Deported Citizens reported that there were approximately 264,500 registered Crimean Tatars. The State Committee on Nationalities and Religions reported that in the first nine months of the year, the government allocated 40.8 million hryvnia (approximately \$5.3 million) for the resettlement and integration of Crimean Tatars.

Crimean Tatars asserted that discrimination by Crimean local officials deprived them of equal opportunities for employment in local administrations and that propaganda campaigns, particularly by pro Russian groups, promoted hostility toward them among other inhabitants.

On April 1, the press service of the Crimean Tatar Mejlis reported that graffiti hostile to Crimean Tatars was found in Simferopol. The graffiti appeared shortly after a provocative article appeared in a local newspaper.

On July 7, in the Crimean village of Krasnogvardejskoye, unknown vandals reportedly tore down a tamga, the national emblem of Crimean Tatars, from the memorial complex to the victims of genocide of the Crimean Tatars. Local Mejlis and district council members notified law enforcement bodies and municipal authorities.

On July 16, Radio Liberty reported that the government of Crimea ordered the creation of a joint register of repatriated persons, arguing that it would help solve their land problems. The first deputy chairman of the Crimean Tatar Mejlis, Refat Chubarov, stated that such a list was unconstitutional and could risk compromising private information.

The Spiritual Muslim Management in Crimea expressed concern over the Supreme Court's refusal to overturn an October 7 ruling by the High Economic Court that upheld the ban on construction of a central mosque in Simferopol. On February 28, members of the Simferopol City Council annulled their January 10 allocation of a plot for a mosque in Simferopol and designated a less desirable one.

There were no reports of further developments in the January 2007 attack on Mejlis press secretary Lilia Muslimova in Simferopol, the arrest of 10 persons involved in a clash between Crimean Tatars and local police during a dispute over land in 2007, or the shooting of a Crimean Tatar man involved in clashes between Crimean Tartars and police on the Ay Petri plateau in November 2007.

On March 11, media reported that the Democratic Union of Hungarians expressed concern about an increasing number of anti Hungarian statements in Ukrainian media.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that neighboring countries accept them as minorities.

Other Societal Abuses and Discrimination

Persons with HIV/AIDS, who numbered 440,000 according to statistics compiled by international organizations, faced widespread discrimination and lacked access to treatment. Although the country's AIDS law incorporates protection of the rights of persons with HIV/AIDS, implementation remained weak, and state funding for treatment was insufficient. The All Ukrainian Network of Persons Living with HIV noted that persons with HIV/AIDS continued to face discrimination in the workplace; job loss without legal recourse; harassment by law enforcement officials, prosecutors, and judicial authorities; and social isolation and stigmatization within their communities.

The gay and lesbian rights organization Nash Mir (Our World) characterized political and religious leaders as indifferent or hostile to the gay community. Members of the antigay organization Love against Homosexuality reported that in February they received letters of support from two members of parliament from the Yulia Tymoshenko bloc, Ihor Yeresko and Vitaliy Barvinenko, who called homosexuality a threat to national security. In

another letter of support to the same group, Hanna Herman, the chair of the parliamentary Committee on Freedom of Speech and Information and a member of the Regions Party, wrote that government bodies were obliged to undertake steps to stop the "popularization of homosexuality, lesbianism, and other sexual perversions that do not correspond to the moral principles of society."

On February 22, the PGO opened a criminal investigation of the editorial staff of Nash Mir's newspaper, Gay.ua, for allegedly distributing pornography. According to Nash Mir, the newspaper was circulated among a restricted number of subscribers, while explicit erotic materials were easily obtained at newspaper kiosks.

Other problems of concern included reports of ongoing police abuse of gays, threats by police to inform gays' families and employers of their lifestyle, and the lack of access to medical treatment and information for gay men on the prevention of HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers to join unions of their choice to defend their professional, social, and economic interests, and this right was generally respected in practice; however, large companies, and in isolated instances, local government officials, continued to resist the formation of unions, and workers' freedom to choose their union affiliation was sometimes restricted. There were no reliable estimates of the percentage of the workforce that was unionized.

The law provides for the right of workers to strike to defend their professional, social, and economic interests, provided strikes do not jeopardize national security, public health, or the rights and liberties of others; the government generally respected this right. The right to strike does not apply to personnel of the PGO, the judiciary, armed forces, security services, law enforcement agencies, the transportation sector, or public servants. Workers who strike in prohibited sectors were liable to prison terms of up to three years. Federations and confederations are not entitled to call a strike. A strike may be organized only if two thirds of the workers of the enterprise vote for it.

By law all trade unions have equal status, and the establishment of a trade union does not require government permission. However, unions affiliated with the Federation of Trade Unions (FPU), which inherited assets from the official Soviet era unions, enjoyed an advantage in organizing workers.

In order to function, a union must be registered as a legal entity by the government. Unions reported that this registration process was extremely burdensome, entailing visiting up to 10 different offices, submitting extensive documentation, and paying a number of fees. The International Trade Union Confederation characterized the registration requirement as "a restriction unacceptable by international labor standards."

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' huge property and financial holdings. These included social insurance benefit funds, a Soviet era legacy on whose boards FPU affiliated unions held the majority of seats, giving them a benefit the 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 in order to thwart their future distribution. A 2007 parliamentary moratorium on the FPU sale of property remained in place.

The AFL CIO Solidarity Center reported several instances in which various government officials, including officials from the security services, sought to influence union votes and pressure members to report on union activities. As of September, the CFTU reported 17 separate cases in which employers refused to recognize newly formed trade

unions, barred them from collective bargaining, or otherwise violated labor laws. The CFTU complained that employers, acting in concert with leaders of local FPU affiliates, pressured independent unions in most of these cases to disband.

In January three members of a teachers' trade union, including the chairman of the union, were fired from a school in Lviv, allegedly because of their union activity. Several CFTU affiliated unions of coal miners in the eastern part of the country reported significant harassment and, in one case, firings because of their union activities.

Members of CFTU affiliated unions sometimes claimed that management forced them to carry out additional 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.

b. The Right to Organize and Bargain Collectively

The law permits trade unions to organize and participate in collective bargaining, but these rights were not always respected in practice.

According to the law, joint worker management commissions should resolve differences over wages, working conditions, and the rights and duties of management at the enterprise level. The commissions were not always effective in practice and sometimes were dominated by management and union representatives co-opted by management. Although the law provides the right to collective bargaining, the manner in which the law was applied prejudiced the bargaining process against newer unions and favored FPU affiliated unions. Renouncing membership in an FPU affiliated union and joining a new union was bureaucratically onerous and typically discouraged by management.

The law provides for the National Mediation and Reconciliation Service to mediate labor disputes.

Export processing zones existed on paper but were dormant.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children; however, there were reports that women, men, and children were trafficked for labor. Trafficked women were used as housekeepers, seamstresses, dishwashers, or workers at small and large manufacturing plants both in the country and abroad. A small number of women with small children and persons with disabilities were trafficked abroad for begging. Men exploited for their labor made up 24 percent of the trafficking victims identified by the IOM during the year. They worked mainly on construction sites and in mines. There were reports that some children worked at unsanctioned and illegal coal mines. A survey by the International Labor Organization (ILO) indicated that government enforcement had stopped children from working underground at these illegal mines.

d. 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 country's labor code sets 16 as the minimum age for most employment. Fifteen year old children may perform "light work" with their parents' consent, but the law does not clearly define "light work." Children aged 14 can legally do some forms of agricultural and "social" work, for example at elder care facilities and orphanages, on a short term basis with the consent of one parent.

The State Labor Inspectorate under the Ministry of Labor and Social Policy is responsible for enforcing child labor laws in the formal sector. The Department of Juvenile Affairs in the Ministry of Family, Youth, and Sport, and the Police Department for Juvenile Affairs in the Ministry of the Interior have the responsibility of identifying children in the informal sector involved in the worst forms of child labor. The Ministry of the Interior's Antitrafficking Department is responsible for the enforcement of child antitrafficking laws.

The worst forms of child labor were found primarily in the informal sectors, such as commercial sexual exploitation, including production of pornography. There were some reports of children working at unsanctioned and illegal coal mines. Children were also found working in agriculture and trade at open air markets. The trafficking of children for forced labor and sexual exploitation was a problem.

Enforcement improved but remained inadequate to deter violations fully. The government reportedly conducted more inspections and there were more prosecutions of violators. According to the Ministry of Labor and Social Policy, the government inspected 660 enterprises in August and found child labor law violations at 421 of them. The ILO sponsored a regional antitrafficking project aimed at eradicating the worst forms of child labor and child trafficking, including exploitation of street children and other children at risk.

On June 17, UNIAN reported that Donetsk prosecutors were investigating 10 cases related to the illegal use of child labor. Volnovask district prosecutors opened an investigation of an entrepreneur who allegedly hired a teenager without a contract to work as a loader. On May 28, the Internet news service proUA.com reported that Donetsk prosecutors were investigating the possible use of vocational college students in construction instead of the internship to which they were entitled.

e. Acceptable Conditions of Work

On December 1, the government increased the monthly minimum wage to 605 hryvnia (approximately \$78). The minimum wage did not provide a decent standard of living for a worker and family. The State Labor Inspectorate is responsible for enforcing the minimum wage but was unable to monitor all employers thoroughly. Many workers, particularly in the informal sector, received wages far below the established minimum.

Official wage arrears stood at 756 million hryvnia (approximately \$98 million) as of August 1. Most arrearages accumulated in state run industries 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, these were frequently ignored in practice. Lax safety standards and aging equipment caused many injuries on the job. During the first half of the year, 7,791 workplace injuries were reported, including 501 job related fatalities.

Illegal coal mines with ties to organized crime and corrupt management were particularly unsafe. During half of the year, 2,929 injuries, including 94 fatalities, were reported among coal miners.

The law gives workers the right to remove themselves from dangerous work without jeopardizing their continued employment; however, trade unions reported that in practice, asserting this right would result in retaliation, or perhaps dismissal, by management.

