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Ukraine

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Ukraine, which has a population of slightly less than 47 million, is a republic with a mixed presidential and parliamentary system, governed by a directly elected president and a unicameral Verkhovna Rada (parliament) that selects a prime minister. Preterm Verkhovna Rada elections were held on September 30. According to international observers, fundamental civil and political rights were respected during the campaign, enabling voters to freely express their opinions. Although the Party of Regions won a plurality of the vote, President Viktor Yushchenko's Our Ukraine-People's Self Defense Bloc and former Prime Minister Yulia Tymoshenko's Bloc formed a coalition, and established a government with Tymoshenko as the prime minister. Civilian authorities generally maintained effective control of the security forces.

Problems with the police and the penal system remained some of the most serious human rights concerns. Problems included torture in pretrial detention facilities; harsh conditions in prisons and pretrial detention facilities; and arbitrary and lengthy pretrial detention. There was also continued violent hazing of military conscripts and government monitoring of private communications without judicial oversight. Slow restitution of religious property continued. There was societal violence against Jews and increased violence against persons of non-Slavic appearance. Anti-Semitic publications continued to be a problem. Serious corruption in all branches of government and the military services also continued. The judiciary lacked independence. Violence and discrimination against children and women, including domestic violence, sexual harassment in the workplace, and child labor, remained concerns. Trafficking in persons continued to be a serious problem. Inadequate labor legislation permitted both government and companies to limit the ability of workers to form and join unions of their choice and to bargain collectively.

The government began to acknowledge the problem of ethnically-motivated attacks, creating special crime units at the Ministry of Interior (MOI) and Security Service of Ukraine (SBU) and establishing a new position of ambassador-at-large to combat racism, xenophobia and discrimination at the Ministry of Foreign Affairs; the country's first hate crime trial was begun in February, and three assailants were charged with a hate crime and one with murder for the October 2006 killing of a Nigerian in Kyiv. President Yushchenko sought to resolve the long-standing issue of Torah scrolls confiscated by the Soviet government and in November, the SBU returned four Torah scrolls to the Jewish community in Luhansk.

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.

The media reported two instances of security forces allegedly killing prisoners in custody.

In January, *Gazeta po-Ukrayinsky* reported that 46-year-old Petro Khudak died in detention as a result of an alleged police beating in the Nadvirna district of Ivano-Frankivsk Oblast. On January 20, police arrested him on suspicion of theft. According to the oblast police report, Khudak confessed and was transferred to a holding room where he was found dead later that night. His wife stated that his body was covered with bruises, his teeth were knocked out, and his fingers were broken. The forensic medical examination certificate noted that he died of a punctured lung and chest trauma. The Nadvirna prosecutor's office launched a criminal investigation that continued at the end of the year.

On November 29, media outlet proUA reported that the Zarichniy District Court in Sumy Oblast ordered the arrest of a police officer for causing the death of a witness during interrogation. On July 26, a resident of Trostyanets was shot dead in the officer's office during questioning in the case of a theft of a motor scooter. At year's end the investigation was ongoing.

During the year politicians and politically active businessmen were the victims of sometimes fatal attacks that may have been politically motivated; however, business, government, and criminal activities were intertwined to such an extent that it was often difficult to determine the motives.

There were no developments in the 2006 killing of Roman Yerokhin, the former deputy head of the MOI organized crime directorate in Donetsk. Human rights organizations reported that this crime remains unresolved primarily because of the lack of activity of the prosecutor's office; no motives for the crime have been established.

Early in the year, the Kharkiv Group for Human Rights Protection (KGHRP) reported that authorities had opened a trial of three police officers who allegedly beat Oleh Dunych to death in 2005.

At year's end, the investigation was continuing into the 2004 dioxin poisoning of then–opposition presidential candidate Viktor Yushchenko. On September 12, the prosecutor general's office (PGO) announced that its Russian counterpart agreed to conduct a joint analysis to compare Russian-made dioxin with the dioxin used to poison President Yushchenko.

On September 14, the PGO appealed what it viewed as light sentences given to three prison guards at pretrial detention facility No.13 in Kyiv for beating and killing former police detective Ihor Honcharov in 2003. On September 6, the Shevchenkivskiy District Court in Kyiv sentenced them to five years in prison with a three-year suspended sentence.

There was no decision in the Kyiv Court of Appeals hearings, begun in 2006, on the unresolved killing of prominent journalist Georgiy Gongadze in 2000. The hearings were interrupted in July when the court ordered psychological and psychiatric examinations of the accused, three former police officers of external surveillance and criminal intelligence. Human rights groups alleged that the investigation slowed down during the year due to lack of political will by the government and changes in the investigating team in 2006. On December 27, the Kyiv Court of Appeals determined that all three suspects were able to continue with the hearings. General Olexiy Pukach, a prime suspect in the killing, still remains at large.

In response to President Yushchenko's 2006 order to open a new inquiry into the 1999 death of prominent nationalist and Ukrainian People's Movement leader Vyacheslav Chornovil, PGO special investigator Ihor Krynin announced in March that he had not found any proof that a crime had been committed and the inquiry was on-going at year's end.

Human rights groups asserted that soldiers continued to kill other soldiers during violent hazing events. Senior military and government officials gave conflicting information regarding the number of military hazing cases during the year, and their numbers were lower than those announced by nongovernmental organization (NGO) watchdog groups. On August 31, the head of the Union of Women of Ukraine, Oksana Manko, was quoted in the official parliamentary publication *Holos Ukrayiny* that 76 soldiers died during the past two years. The Ministry of Defense press service officially denied this claim on September 1. According to the ministry, 91 hazing-related criminal cases were launched during the year and charges were brought against 68 military personnel. Eleven suicides were reported by the ministry. In a televised debate on September 7, then minister of defense Anatoliy Hrytsenko stated that only one soldier in the past three years died as a result of hazing and that each incident of violence in the army is thoroughly investigated. In the first nine months of the year, the PGO launched 109 criminal cases in relation to hazing incidents.

The Kharkiv office of the International Society for Human Rights reported that violent hazing continued to be widespread. According to the military watchdog group Mothers of Killed Soldiers, most deaths are labeled suicide or accident and were not investigated.

On December 19, soldier Yuriy Stashenko died as a result of an apparent hazing incident in the town of Lozova in Kharkiv Oblast according to the Ministry of Defense Web site and media sources. The Kharkiv garrison military prosecutor launched an investigation.

In August, the Zhytomyr garrison military court sentenced sergeants Yuriy Lukianenko and Dmytro Pukh to five and seven years, respectively, in prison and awarded $40,000 (200,500 hryvnia) in damages to the family of Oleksandr Rybka, who died from a beating in 2006 at the Desna training center in Chernihiv Oblast. Family members of the soldier appealed against what they felt were light sentences. Commanders of the military unit were dismissed from the service and stripped of their military rank.

According to press reports, the parents of a soldier Pavlo Bazyuk, reported on March 14 to have died of leptospirosis in Chop in Zakarpattia Oblast, believed his death was the result of soldier-on-soldier violence. Officers of the Hlybotskiy district army conscription office also expressed doubt about the reported cause of death to journalists, and an investigation was ongoing at year's end.

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 frequently employed severe violence against persons in custody.

On May 21, the UN Committee against Torture released a statement voicing deep concern over reports of mistreatment of pretrial suspects and said the system provided "insufficient legal safeguards" for detainees.

According to numerous human rights groups, law enforcement personnel used force and mistreatment routinely and with impunity to extract confessions and information from detainees. According to Human Rights Watch, police sometimes coerced testimony from drug users by withholding treatment for painful withdrawal symptoms while in custody.

Police officers were often not adequately trained or equipped to gather evidence and depended on confessions to meet ambitious quotas to solve cases. The law does not clearly prohibit statements made under torture from being introduced as evidence in court proceedings. In addition, an ineffective system for investigating allegations of abuse and detainees' lack of access to defense lawyers and doctors did little to check this practice.

According to the Ukrainian-American Human Rights Bureau (UAHRB), about 80 percent of detainees are subjected to torture to extract confessions. Responding to its 2006 survey of 569 persons in 10 correctional facilities, a significant number stated that law enforcement personnel used violence (81.1 percent), that police used violence during arrest (41 percent), that police used violence in temporary holding facilities (74.2 percent), and that prison personnel tortured them in pretrial detention facilities (8.8 percent).

During the year authorities prosecuted police officers who abused persons in detention. The PGO confirmed that 28 criminal cases were launched against law enforcement personnel on charges of torture and inhumane or degrading treatment; seven cases were forwarded to courts. Criminal charges were brought against 43 law enforcement personnel for violating the law by using unlawful methods of investigation and inquiry. The MOI confirmed 345 cases against 271 law enforcement personnel during the first nine months of the year; two involved torture with one defendant acquitted and the other case ongoing at year's end.

The UAHRB reported that two men accused of murder, Ivan Nechyporuk and Oleksandr Motsniy, were subjected to electrical shock, bound and hung up, and beaten until they confessed in December 2006. The Ternopil Court of Appeal sentenced them to 15 years in prison for murder. Forensic checks indicated torture, but police and procuracy took no action. In October, media sources reported that they remained in the Khmelnytskiy pretrial detention facility.

In March, following intervention by Human Rights Commissioner Nina Karpachova, Yuriy Moseenkov was released from confinement after 20 months, one year of which was without court order, in the Lukianivska pretrial detention facility. Moseenkov was arrested in 2005 on suspicion of murder and taken to a police temporary holding facility where he was beaten and made a confession. The State Penal Department (SPD) did not respond to his complaints. Authorities dismissed the Dniprovskiy district prosecutor in Kyiv and opened a criminal case against him for providing falsified documents that resulted in Moseenkov's wrongful confinement.

There were no developments in the reported torture of a 17-year-old detainee by two police officers in Dnipropetrovsk in 2006.

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 UAHRB, persons involved in property, inheritance, or divorce disputes were wrongfully diagnosed with schizophrenia and confined to psychiatric institutions. Persons diagnosed with mental illness risked being confined and treated by force, declared not responsible for their actions, and stripped of their civil rights and property without being present at the hearings or notified of the ruling.

NGOs found widespread violations including failure to inform persons who were voluntarily hospitalized, of the overall duration of their stay; failure to inform patients of their diagnosis or what medications they were given; lack of knowledge concerning patients' rights in psychiatric hospitals; humiliation by hospital staff; and violation of patients' rights to free medical assistance. In January, *Ukraina Moloda* newspaper reported that medical personnel of a hospital for mentally disabled persons in the Svyatoshyn district in Kyiv abused patient Larysa Lempbert.

According to the Ukrainian Psychiatric Association, attitudes toward monitoring abuses in psychiatric facilities differed within the government. For example, while the Ministry of Labor and Social Policy set up a division to monitor mental health facilities during the year, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuse of psychiatry and maltreatment of patients.

Despite laws to protect the rights of service members and regulations that govern relationships among military personnel, reports continued during the year of hazing violence against conscripts in the armed forces. Senior conscripts frequently beat recruits, forced them to give up money and gifts received from home, and made junior conscripts work in their place, a practice known as "didivshchyna." According to the Association of Soldiers' Mothers, official punishment for committing or condoning

hazing was insufficient to deter the practice.

In April 2006 the law governing military service was modified to shorten terms of service for military members. In its report to the UN Committee Against Torture, the KGHRP noted that while the change in the law eliminated the divisions between soldiers during their first and second year of service, recruits were still being subjected to "didivshchyna" by soldiers with only six months of service.

On August 29, the media reported that military prosecutors opened a criminal case against a sergeant at the Desna training center in Chernihiv Oblast for severely beating a soldier, resulting in the removal of his spleen.

In August, media reported that the Zhytomyr military garrison opened a criminal case against an officer at the regional military unit in Novohrad Volynskiy alleging that he beat his subordinates and threatened them with a weapon. He faced up to 10 years in prison.

Police abused Roma and harassed and abused non-Slavic appearing persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, vigilante violence against them. In June the NGO Forumo Romen Ukrainatar received complaints from the Romani community in Zvenygorod in Cherkasy Oblast that police fingerprinted all local Romani residents when they suspected a Roma of stealing a mobile phone. According to the community, the police detained a suspect and severely beat him to force a confession. As a result, his eyesight and hearing were damaged. The prosecutor's office refused to initiate a criminal case. The Romani community in Zolotonosha in Cherkassy Oblast complained that police took no action in the November 2006 alleged beating of a young woman by four policemen.

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 penal system consists of 183 institutions, including 138 penal colonies, 33 pretrial detention facilities, two facilities for chronic alcoholics, and 10 correctional institutions for minors. The SPD confirmed that as of December 1, 150,950 persons were kept in penal facilities and 32,424 persons were held in the 33 pretrial detention facilities. According to NGOs, although prison conditions remained poor, they continued to improve slowly as a result of reforms in the penal system and the establishment of MOI mobile monitoring groups.

According to the MOI, as of October there were 487 police temporary holding facilities, in which 197,586 inmates were kept. 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 MOI confirmed that as of October 25, there were 13 deaths in these facilities from various causes**,** including five suicides. The human rights ombudsman's office reported that 98 persons died from various causes, including poor conditions, in pretrial detention facilities in the first 10 months of 2007, an increase over previous years.

The NGO Donetsk Memorial reported that sanitary conditions and nutrition significantly improved at prisons and a number of police temporary holding facilities in Donetsk Oblast. In May the media reported that a temporary holding facility that met international standards was opened in the Tsyuryupynsk district police division.

Knowledgeable independent experts noted that overcrowding at detention facilities remained a problem, particularly in police temporary holding facilities. In July Human Rights Commissioner Karpachova visited the Lukianivka pretrial detention facility in Kyiv. While she noted some improvements, including better sanitary conditions, she expressed concern about overcrowding.

There were several reports of self-inflicted injuries and violent incidents in prisons and detention centers. These incidents were frequently a result of harsh treatment of prisoners by facility staff, who beat prisoners and destroyed their food. In three publicized instances, prisoners with self-inflicted wounds were transferred to facilities with a harsher regime of detention or received longer sentences for other minor offenses. During the year the media reported several incidents of prisoner-on-prisoner violence in pretrial detention facilities with fatalities.

Several NGOs reported that on June 5, guards in Vinnytsia Prison No.1 beat prisoner Andriy Riznychenko for several hours for having a mobile telephone card. Prior to this incident, the KGHRP and Donetsk Memorial reported that guards severely beat teenagers in the same facility as a punishment for exchanging notes. According to human rights defenders, prison guards regularly beat and punished inmates in this facility for minor infractions and abused prisoners who filed complaints.

In July the media reported that the prosecutor's office in Kyiv launched a criminal case against personnel at the Lukianivka facility for negligence which resulted in two deaths in July. Independent experts said low pay and lack of resources led to corruption and a shortage of qualified prison personnel.

Media and human rights organizations reported on January 14 that over 1,000 inmates at the Izyaslav correctional facility No. 31 in Khmelnytskiy Oblast went on a hunger strike to protest unsatisfactory conditions, including poor food and medical care, and mistreatment by prison personnel. According to human rights groups, a SPD commission inspected the facility and found expired medicine and canned food dating back to 1979. A day after the commission's visit, the facility's chief Andriy Bozhko denied there was a protest in a televised interview, which was followed by another wave of protests. On January 22, antiriot personnel entered the prison to conduct searches and proceeded to beat the inmates. According to the KGHRP, guards forced inmates to sign backdated statements that they had no complaints. Several prisoners were later transferred to eight facilities across the country, the SPD threatened to extend their prison sentences, and family members of protest leaders received threats. Human rights groups have appealed to the PGO for an investigation, but there were no reports of action taken at year's end. On December 17, inmates announced a hunger strike to protest against unsatisfactory detention conditions including wet, cold, and poorly ventilated cells, limited running water, and vermin infestation.

Overcrowding and poor conditions in pretrial detention have exacerbated the problem of tuberculosis (TB) among prisoners. Prison officials stated that mandatory screening of all new inmates for the disease had reduced infection rates and human rights organizations noted placement of X-ray machines in several prison facilities as a positive development. The SPD reported that the number of persons diagnosed with tuberculosis was half that of the previous year. As of October, 6,359 inmates had been diagnosed with TB and there were 544 TB-related deaths. The SPD claimed that during the past five years, it managed to reduce the number of TB-related deaths in prisons by 25 percent. The incidence of TB in temporary police holding facilities was reduced 40.5 percent and in prisons by 27.1 percent in comparison to 2006. Pretrial detention facilities were not able to provide comprehensive TB treatment. During a July visit to Lukianivka pretrial detention facility in Kyiv, Human Rights Commissioner Karpachova noted that TB is not only found among inmates, but also among prison staff, legal counselors, and investigators. SPD officials stated that inmates with tuberculosis were isolated from the general population and treated at one main prison hospital complex in Kharkiv Oblast.

The human rights ombudsman's office reported that on July 13 a prisoner was transferred, despite having TB, from the temporary police holding facility in Bila Tserkva to a pretrial facility in Kyiv. A hospital in Bila Tserkva provided a medical certificate that he was in good health. However, when he arrived in Kyiv, he was seriously underweight.

In a letter to the UN Committee Against Torture, Amnesty International referred to the case reported by the Sevastopol Human Rights Group in January 2006 in which 30 to 40 tuberculosis-infected detainees in the Sevastopol temporary holding facility were held for the full period of their pretrial detention in violation of the Criminal Procedural Code. The nearest pretrial detention facility in Simferopol would not accept infected detainees.

In October 2006 the Shevchenkivskiy District Court in Kyiv determined that Olha Bilyak, who died in 2004 from pneumonia in the Lukianivka presentencing facility, received inadequate medical assistance and ordered the facility to compensate her parents and son.

HIV-infected prisoners were frequently not allowed to receive specialized medication. At a September 26 press conference, an HIV-positive man said that he was not able to obtain medication while detained at the Obolonskiy district temporary holding facility despite his repeated requests.

There were no developments in the criminal cases initiated by the Lviv region prosecutor's office in 2006 against the administrators of two pretrial detention centers for abuse of power.

The government allowed prison visits by human rights observers.

In May the SPD restricted access to detention facilities by NGOs and journalists to limited hours on Saturdays and Sundays. Human rights activist Oleksandr Bukalov of Donetsk Memorial addressed these concerns to the PGO; on September 4, the PGO determined this restriction was unlawful and had it abolished. In August the Cabinet of Ministers set up an interagency commission, with participation of some NGO experts, to inspect and assess the activity of the SPD.

Prisoners and detainees were permitted to file complaints with the commissioner for human rights concerning detention conditions, but human rights organizations noted that prison officials censored or discouraged complaints. The procuracy and ombudsman's offices occasionally disclosed the names of inmates who filed complaints with the SPD opening them to possible reprisals from prison administrators. According to the KGHRP, in the first six months of the year, the SPD received almost 500 complaints, 164 of which concerned beatings or bodily injuries. According to the NGO, the SPD did not acknowledge any incidents.

On April 26, then member of parliament Kateryna Levchenko visited Penal Colony No. 1 in Vinnytsia in response to a complaint by inmate Oleksiy Povidaychyk, who claimed he was beaten by prison guards for reporting the abuse of another inmate, Serhiy Basyk. Levchenko was able to confirm that Povidaychyk was covered with bruises when she met him. She later received a written response from the SPD denying the incident took place and that prisoners had made complaints. Povidaychyk's mother reported that her son was transferred to Zhytomyr and that representatives of the SPD said his sentence would be extended to an additional three years if she continued her complaints.

d. Arbitrary Arrest or Detention

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

On March 30, Donetsk police arrested Vadym Cherkas, a local human rights activist, charged him with disturbing the peace and public profanity, and a Donetsk court sentenced him to 10 days' detention. When Cherkas went to the local prosecutor's office to make a complaint, he was assaulted by an assistant prosecutor resulting in two weeks' hospitalization.

On March 20, Crimean media reported that activist Mykola Harmash of the People's Self-Defense political movement was illegally detained and held at the Leninskiy district police temporary holding facility in Shcholkino. People's Self Defense activists characterized this detention as politically motivated because, as the head of the Shcholkino territorial election commission, Harmash had disputed the results of the March 2006 elections due to numerous alleged violations.

Human rights organizations reported that, as in 2006, there were long delays for detainees awaiting trial. They cited examples of arrests without court warrants and, in some cases, of cases where no records were kept on detainees. Human rights organizations noted that the 2006 requirement to inform persons detained on administrative charges of their rights had limited results because, in many cases, detainees lacked access to legal counsel.

Role of the Police and Security Apparatus

The MOI is responsible for law enforcement and maintaining internal order; it oversees police and maintains its own armed troops. The SBU, the 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 over the army and law enforcement agencies and authorizes members of the Verkhovna Rada to conduct investigations, including public hearings into national security and defense issues. The human rights commissioner is also authorized to initiate investigations into the activities of the armed forces.

Police corruption remained a problem. According to the MOI, in the first nine months of the year, 35,737 law enforcement officers were subject to administrative disciplinary actions, and 495 were under investigation. The PGO confirmed that it initiated 257 corruption-related cases against law enforcement personnel in the first 10 months of the year, of which 206 were forwarded to court. Authorities made greater efforts to expose police abuses, increasing disciplinary actions against law enforcement officials compared to previous years.

On April 2, the media reported that the SBU in Kyiv detained the head of a district antiorganized crime and narcotics unit who demanded a bribe of $5,400 (27,500 hryvnia) to not arrest a Kyiv resident.

On April 4, UNIAN press agency reported that Volodymyr Chukhrai was released after spending eight years in a high security prison. Chukhrai was detained and convicted for a robbery and murder when he was 18 years old. Despite being subjected to torture, he did not confess and was sentenced to 14 years' imprisonment. Police officers also demanded a $10,000 (50,000 hryvnia) bribe from his father for his release. According to Lybov Stasiv of the Bloc Yuliya Tymoshenko political party who assisted with his release, the investigators involved in this case were still working in the government. Chukhrai planned to file for moral damages and punishment for those law enforcement officers who imprisoned him.

On May 22, *Silski Visti* newspaper reported that, since the beginning of the year, the Zaporizhzhya Oblast prosecutor's office brought charges against 365 police officers for misconduct. In most instances police violated the law while obtaining confessions, conducting pretrial investigations and searches, and taking persons into custody. Another 358 police officers were subjected to administrative disciplinary actions, and seven criminal cases were opened.

In January the former chief of Sykhiv district police in Lviv oblast Bohdan Branitskiy was sentenced to five years in prison and barred from working in law enforcement for two years. Police arrested him in 2005 for accepting a bribe of $500 (2,500 hryvnia).

There were no developments in the August 2006 case involving a police lieutenant in Kyiv who was detained for demanding a bribe of $1,000 (5,000 hryvnia) or the May 2006 criminal case against two investigators from the Odesa regional department of the MOI charged with bribery and extortion.

Arrest and Detention

By law the authorities may detain a suspect for three days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration may petition the court for an additional 15-day detention. 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.

Lengthy pretrial detention remained a problem. While the law provides that pretrial detention may not last more than two months, in cases involving exceptionally grave offenses a judge of the Supreme Court may extend detention to 18 months. The law requires a trial begin no later than three weeks after criminal charges have been formally filed with the court, but the overburdened court system rarely met this requirement. Existing procedure allows pretrial detention for up to nine months in the absence of a court review justifying the detention. In the period between termination of the pretrial investigation and the beginning of a court trial, the accused remains in

pretrial detention facility without court sanction.

Individuals remained in detention for months or 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. In 2005, the most recent year for which statistics were available, 1,250 of the 9,528 persons released from pretrial detention following court rulings had spent over a year in detention awaiting trial.

Human rights organizations reported that police continued using the maximum term of 72 hours for pretrial detention to extract evidence which could be used against the detained person. Often courts extended detention to 10 days to allow police more time to get confessions. Police frequently used administrative arrests in criminal investigations: If a person failed to respond to a summons, police detained them and filed administrative charges for resisting a lawful police order, the possible penalties for which may include a fine, correctional service, or up to 15 days of administrative arrest. The KGHRP reported that, in 2006, 31,407 persons were detained for administrative offenses. While police could hold a suspect under administrative arrest for only three days, they frequently detained persons immediately after their release under a different charge in order to continue their criminal investigation.

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, which, legal observers said provided police time 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 payments 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.

Amnesty

As of December President Yushchenko had pardoned 962 persons, including women, elderly men, persons with disabilities, and persons with several children.

On June 6, the president signed the Law on Amnesty that established criteria for amnesty, including the severity of crime committed, illness, old age, and the length of time already served.

On June 21, President Yushchenko issued a decree pardoning journalist Ruslan Antonyk, who was convicted in 2000 for murdering Petro Tychynskiy, son-in-law of Anatoliy Halchynskiy, an adviser to then-president Kuchma. His conviction was strongly disputed by human rights organizations as being politically motivated. Antonyk made a confession after he was beaten by police, but later recanted. He served seven years of his 13-year sentence.

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.

On June 8, judges of the Pechersk District Court in Kyiv requested the PGO to open a criminal investigation into political interference from political figures and the High Council of Justice in the court's activities. After the court's public appeal, the High Council of Justice took disciplinary measures against the judges who made the complaint and recommended their dismissal. The judges had previously been part of a collective decision to suspend the Verkhovna Rada resolution granting the High Council of Justice authority to appoint judges to administrative posts.

On June 25, in an interview with the *Mirror Weekly*, Supreme Court Chairman Vasyl Onopenko expressed concern about pressure on the judicial system and government interference with the courts, including interference in the appointment of acting chief judges, pressure on courts to review cases involving senior government officials, and a Constitutional Court ruling giving the High Council of Justice power to appoint judges to court administrative positions.

The judiciary also suffered from corruption and inefficiency. There were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences.

The office of the human rights ombudsman noted low public trust in the court system based on complaints received from the public. Every third complaint concerned lack of fair trials, including non-execution of court rulings, unlawful actions by judges, and lengthy court proceedings. The ombudsman's office reported that on July 6 it forwarded a protest to the Supreme Court against violation of the rights of those convicted by courts. In particular, the courts in Zaporizhzhya, Zakarpattia, Ivano-Frankivsk, Mykolayiv, Poltava, Kharkiv, Chernihiv oblasts and in Sevastopol deprived convicted persons of the right to be familiar with criminal case documents, which would allow them to file an appeal. The Supreme Court agreed with the ombudsman that the Law on the Judiciary should be equally interpreted by all courts.

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. According to the SJA, only 60 percent of actual court expenses were covered by the national budget in 2006, forcing the courts to either curtail activities or seek funds from other authorities, thereby undermining their independence.

Failure to enforce court decisions in civil cases also undermined the authority and independence of the judicial system. The State Executive Service is responsible for enforcing most civil decisions, and the number of cases referred to it continued to grow. Existing provisions permitting criminal punishment for noncompliance with court decisions were rarely used. The chairs of the Supreme Court, the regional courts, and the Kyiv municipal court (or their deputies) have the authority to suspend court decisions, which provided additional opportunities for outside interference, manipulation, and corruption.

The country has a civil law system relying on codes, laws, and separate acts. The court system has constitutional courts and courts of general jurisdiction. The general courts include courts designated by administrative level (district, region, and supreme) and by specialization. The Supreme Court is the highest body within the general courts system. The Constitutional Court interprets the Constitution and laws. Specialized commercial courts operate within the single unified system of courts and the Supreme Court may review their judgments. Military courts are specialized courts that hear only cases involving military personnel.

The law provides for five levels of courts – local courts, courts of appeal, courts of cassation, higher specialized courts, and the Supreme Court – as well as an independent judicial department, the SJA.

While the law does provide for judicial independence, in some cases it gives the president power over the judiciary. The president has the 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 can also determine the number of judges in the court system, appoint and remove chairs and deputy chairs of courts, and establish appellate commercial and appellate administrative courts. The president, upon the recommendation of the prime minister and concurrence by the Judicial Council, appoints the head of the SJA.

Regional courts, including the Supreme Court of Crimea and the Kyiv and Sevastopol city courts, serve as courts of appeal and may overrule the judgment of a lower

court.

By law, the Constitutional Court consists of 18 members appointed for nine-year terms, six each by the president, the Verkhovna Rada, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution and determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic.

During the year there were reports of pressure on Constitutional Court judges, in particular after the April presidential decree to dissolve the parliament, as well as of a number of corruption allegations involving its judges.

The Supreme Court is the country's highest appellate body. Human rights groups, the media, and legal watchdog organizations noted that the court continued to show independence during the year.

In May, during a period of high political tension, the president issued a decree dismissing the prosecutor general. The minister of interior, who disputed the decree, was accused of ordering MOI troops to go to the PGO on May 24 where they forcefully entered the building in an apparent effort to prevent the prosecutor general's dismissal. Both the minister of interior and the prosecutor general had opposed the president's April 2 dismissal of the Verkhovna Rada.

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 maintains high conviction rates, similar to that of the Soviet era.

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

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

While the law specifies that a defendant may speak with a lawyer in private, human rights groups reported that officials occasionally denied this client-attorney privilege. Often free legal counsel was not available, although this is required by law. To protect defendants, investigative files must contain signed documents attesting that defendants have been 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. However, officials sometimes verbally and physically abused defendants to obtain their signatures. An appeals court may dismiss a conviction or order a new trial if these attesting documents are missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many remained unaware of these safeguards.

The law provides that the names and addresses of victims and witnesses may be kept confidential if they request protection. However, criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives, but human rights organizations claimed that this system still did not function effectively.

Citizens have the right to appeal criminal and civil verdicts to local appellate courts. Appellate court decisions may also be appealed to the criminal chamber of the Supreme Court.

In May 2006, the Cabinet of Ministers introduced a single state register of court rulings maintained by the SJA. All court judgments, except those qualified as state secrets, are to be sent to the register no later than 15 calendar days after they are made. The system was operational during the year.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The Constitution provides that human and civil rights and freedoms are protected, and that citizens have the right to challenge decisions, actions, or omissions of the national and local government and its officials in court.

The law protects the rights, freedoms, and interests of individuals against violations by the government and public officials and allows for court hearings in cases involving illegal government activities or failure to enforce legal protections. The law allows a potential victim to file a collective lawsuit against legislation that may violate basic rights and freedoms without requiring them to show that they are directly affected. Citizens may appeal to the human rights commissioner of the Verkhovna Rada and, after exhausting all domestic legal remedies, may take cases to the appropriate international bodies, such as the European Courts of Human Rights (ECHR) and the UN Human Rights Committee, of which the country is a member or participant.

Nonenforcement of court judgments remained a problem. During the year the ECHR supported three such applications against the government**.** In 2005 the ECHR ruled that the rights of Serhiy Salov, former advisor to 2000 presidential candidate Oleksandr Moroz, had been violated and ordered the country to compensate him. However, the ECHR decision was not enforced. In March Salov filed a lawsuit against the Donetsk Oblast prosecutor's office and the regional department of the state treasury, claiming $2.4 million (12 million hryvnia) in compensation for pecuniary and non-pecuniary damages.

The judiciary suffered from corruption. According to SBU press service reports, in the first nine months of the year, the SBU opened 24 criminal cases against judges and passed 49 cases to procuracies for prosecution. As a result, four court employees were fined and 30 letters of reprimand were sent to the Council of Judges, heads of appeal courts, and the High Council of Justice.

Judges have immunity from prosecution and cannot be detained or arrested without the consent of parliament. On February 15, the parliament voted to issue an arrest warrant for judge Oleh Pampura, who was accused of demanding a $6,000 (30,000 hryvnia) bribe to reduce a sentence. At the time of the vote, Pampura's whereabouts were unknown.

On April 16, the SBU accused Constitutional Court justice Syuzanna Stanik of corruption and conducted an investigation into a number of suspicious property transactions. On May 1, the president dismissed Stanik, although the PGO had announced that its investigation found the allegations groundless. At the time, Justice Stanik was a reporting judge in a case concerning the constitutionality of the controversial presidential decree to dismiss the parliament. On July 18, the Shevchenkivskiy District Court in Kyiv reinstated Stanik as a Constitutional Court judge. On September 26, the media reported that the SBU passed corruption case materials against Judge Stanik to the PGO. As of mid-December, the Constitutional Court's Web site no longer listed her among its active judges.

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; however, there were reports that elements within the government arbitrarily continued to monitor the private communications and movements of individuals.

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 for physical and emotional damages incurred by an investigation. Authorities did not respect this right in practice, however, as the necessary implementing legislation had not been enacted.

On February 5, Deputy Prosecutor General Viktor Pshonka launched a criminal case after a transcript of a 2006 telephone conversation between then Verkhovna Rada Speaker Oleksandr Moroz and the British ambassador appeared on the Internet in January. In a pretrial investigation, the Kyiv procuracy alleged that the SBU was responsible and that it acted at the president's order. The SBU denied the allegation.

On March 20, the prosecutor general conducted a search of the apartment of former interior minister and opposition movement leader Yuriy Lutsenko, allegedly investigating illegal distribution of guns by MOI officials. The PGO also alleged that Lutsenko possessed Israeli citizenship which violated the country's single citizenship law. Two days later, a Kyiv court invalidated the search warrant and declared that the prosecutor was unable to prove probable cause. The case was closed.

In May acting SBU chief Valentyn Nalyvaichenko reported that the SBU detained eight members of a private company that engaged in unlawful surveillance and phone tapping of citizens, including journalists and government officials.

On October 26, the media reported that the Internet Association of Ukraine and human rights activists protested the October 10 Cabinet of Minister's resolution allowing chairmen of appellate courts to give law enforcement agencies access to confidential electronic data about private citizens without sufficient oversight, according to human rights groups, and without the requirement that there be an ongoing investigation. Previously courts could grant such approvals only in the course of an investigation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and law provide for freedom of speech and of the press; the authorities generally respected these rights in practice. There were no reports that the central authorities attempted to direct media content; however, there were reports of intimidation of journalists, including by local officials. Continued dependence by some media on government resources may have inhibited investigative and critical reporting.

Individuals could criticize the government publicly and privately without reprisal and the government did not attempt to impede such criticism.

Independent media were active and expressed a wide variety of views without restriction.

Donetsk-based TRK Ukraina television alleged in 2006 that the government's strict enforcement of a licensing provision that requires national stations to broadcast 75 percent of their programs in Ukrainian was discriminatory, forcing the network to choose between having its license revoked and losing a large part of its predominantly Russian-speaking audience to Russian television stations. During the year the management reached an agreement with the government's regulatory agency allowing the station to broadcast prime time news programs in Russian while dubbing more films in Ukrainian, thereby allowing it to meet the 75 percent requirement.

According to the national media watchdog NGO Institute for Mass Information (IMI), at least 22 journalists were subjected to physical attacks or intimidation by year's end. The majority of these cases, however, did not appear to be centrally organized and were often attributed to local politicians or organized criminal groups.

On February 18, according to the Committee for the Protection of Journalists, the news director of 9 Kanal television station in Dnipropetrovsk, Anatoly Shinkarenko, was attacked and threatened by two men, who he claimed were the husband and bodyguard of Vitaliya Shilova, a member of the regional council and director of a rival station that Shinkarenko had been investigating. Local police investigated, but did not make any arrests by year's end.

In March two television crew members filming the departure from Simferopol of a train carrying Party of Regions supporters to Kyiv got into a scuffle with the controller of the yard. The journalists sought to bring charges, but the prosecutor's office chose not to prosecute because the reporters had no injuries to support a battery claim and there had been no theft of the footage they took.

On September 21, the automobile of Serhyi Harmash, chief editor of Donetsk-based Internet publication *Ostrov*, was set on fire along with four other cars all of the same make and model in Donetsk. The local police confirmed that it was an act of arson and opened an investigation, but by year's end investigators had not confirmed if the arson was connected to Harmash's employment as a journalist.

There were no developments in the reported disappearance of journalist Anatoliy Kachurynets, who was last seen in February 2006. Investigations at that time found no evidence of foul play. There were no developments in the investigation of the March 2006 burning of the garage of Liliya Budzhurova, editor in chief of the *First Crimean* newspaper.

In September media reported the Simferpol procuracy had opened a criminal case of premeditated killing in the death of Norik Shirin, founder and publisher of *Holos Molodi* newspaper and Crimean youth activist. Shirin was found dead in a garage next to his car in Simferopol in December 2006.

The election law prohibits media commentary on electoral campaigns, prohibits media outlets from campaigning for or against political parties without the parties' approval, and gives courts authority to close media outlets that violate legal limits on political advertising and news coverage of political parties. There were no reports that authorities used this law to interfere with the media during the September 30 extraordinary parliamentary elections.

Both the independent and government−owned media continued 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 who could facilitate financial support from the State Press Support Fund and received close scrutiny from government officials, particularly at the local level.

Libel is considered a civil offense and the use or threat of civil libel suits continued to inhibit freedom of the press during the year. Courts may freeze the accounts of a publication pending appeal of a libel conviction, a step that could ruin many publications. 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.

While 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, media watchdog groups continued to express concern over extremely high monetary damages that were demanded, and sometimes awarded, by courts

for alleged libel.

On January 30, the local court in Dneprodzerzhynsk ordered the newspaper *Dzerzhinets* closed and property worth $28,000(140,660 hryvnia) seized to compensate for damages to a local police chief whom the paper had accused of corruption. The paper's editor-in-chief claimed she was not informed in advance of the hearing. The newspaper continued to publish sporadically throughout the year.

The media had broad access to court hearings and governmental meetings. In July, journalists picketed the PGO to protest the slow progress in the investigation into Party of Regions (POR) member of parliament Oleh Kalashnikov's alleged July 2006 assault on a television news crew in front of the Verkhovna Rada. The journalists claimed Kalashnykov's attacks violated the European Charter of Human Rights. Kalashnikov was not listed as a POR candidate in the September 30 parliamentary elections.

Internet Freedom

The government did not restrict access to the Internet, but there was monitoring by law enforcement bodies. Individuals could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access, although expanding rapidly, was still easier for wealthier members of society and those with access at schools, libraries, and workplaces.

Academic Freedom and Cultural Events

The government did not restrict academic freedom, but academic freedom was an underdeveloped and poorly understood concept. Most major universities were state-owned; while university rectors had a degree of autonomy, curriculum and degree standards were tightly controlled by the Ministry of Education. Administrators of universities and academic and research institute directors could silence colleagues by denying the ability to publish, withholding pay and housing benefits, and directly terminating them.

There were no government restrictions on 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 governed assemblies. Moreover, local authorities often referred to 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. Permits were routinely granted to those who requested them. In practice unlicensed demonstrations were common and generally occurred without police interference, fines, or detention, although there were several exceptions.

According to the MOI, during the year administrative charges were brought against 91 individuals for infringements of the law on organizing and holding public gatherings. Of these, 64 received warnings, 13 were fined, three were placed under administrative arrest and three cases were forwarded to court; seven criminal cases were initiated**.**

In March the Babushkinskiy Court in Dnipropetrovsk upheld an appeal by the NGO Republic to abolish the Dnipropetrovsk city council requirement that public rallies be held in a specially designated area with one designated route for rally participants. To meet the requirement, organizers had to receive approval from eight municipal agencies.

On September 25, the district administrative court in Kyiv overruled an appeal by the Kyiv city administration to restrict public demonstrations in the city's Independence Square and other central squares during September 24-30 (the period surrounding the parliamentary elections). The court argued that, during electoral campaigns, political parties and blocs were allowed to hold public demonstrations as long as they did not violate any laws.

In many cases, local authorities' prohibitions of public rallies were politically motivated. On May 29, Kharkiv city authorities from the POR did not allow a charitable foundation led by opposition politician Oleksandr Feldman to conduct public events marking International Child Protection Day. According to Feldman's charitable foundation, this was the first such incident in ten years.

Public rallies by the opposition People's Self Defense Movement were banned in the eastern cities of Kharkiv and Vasylkivtsi during the spring.

On September 21, riot police in Odesa violently broke up a demonstration of 300 persons calling themselves Cossacks who protested the erection of a monument to Russian Empress Catherine II. The clash occurred after a Primorsk district official announced that a court banned any public rallies at the site of the demonstration.

Police in Odesa also failed to protect demonstrators from violence. On September 4, the Odesa city police opened a criminal case after 50 activists from the nationalist Freedom (*Svoboda)* NGO and pro-Ukraine Enlightenment (*Prosvita*) NGO were beaten by members and supporters of the pro-Russia Unified Motherland organization while police and city officials stood nearby.

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 prevent new ones from being formed.

The law places restrictions on organizations that advocate violence or racial and religious hatred, or that threaten public order or health. On March 28, the Bakhchisarai District Court upheld an administrative appeal by the district prosecutor to suspend activities of the Eurasia Youth Union for three months for violating the law on holding public rallies. The organization was known for organizing anti-Ukrainian rallies and advocating the return of the Russian empire.

There were restrictive conditions for the formation of political parties, including the requirement to collect 10,000 signatures in no less than two-thirds of the country's provinces (oblasts), the Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol. The requirement made it nearly impossible for groups concentrated in one region such as the Crimean Tatars to form a political party.

c. Freedom of Religion

The Constitution and the law provide for freedom of religion and the government generally protected this right, but some minority and nontraditional religions experienced

difficulties in registration and in buying and leasing property. There is no formal state religion; however, local authorities at times favored the religious majority in a particular region.

On June 14, the ECHR upheld the claim of the Svyato-Mykhaylivska parish against the Kyiv city administration. The dispute began in the early 1990s when the parish sought to reregister from the Ukrainian Orthodox Church - Moscow Patriarchate (UOC-MP) to the Ukrainian Orthodox Church - Kyiv Patriarchate (UOC-KP). The ECHR found that there was a violation of Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms because the government objected to the reregistration.

Restitution of communal property confiscated during the Soviet era remained a problem and was complicated by intracommunal competition. The governmental Interagency Commission on Restitution of Property to Religious Organizations, established in 2002 but active only intermittently, resumed work in March. The commission's primary goal was to return property to religious communities, and it had 316 restitution cases under consideration.

On November 1, President Yushchenko imposed a moratorium on the transfer of "sacred cultural heritage monuments" (including religious structures) to private individuals or legal entities pending the drafting by the Cabinet of Ministers of new legislation to address concerns by religious organizations that the ownership of former religious structures was being transferred to private developers.

According to the government, 3,600 religious properties and more than 12,000 religious items were transferred to religious organizations between 1992 and 2006.

On October 25, the Chernivtsi City Council adopted a resolution to return a synagogue building to the local Jewish community.

On November 21, the Cabinet of Ministers approved the return of four former monastery buildings in Bohodukhiv, Kharkiv Oblast to the UOC-MP.

Representatives of the UOC–KP claimed that local authorities in Kyiv ignored its requests to return a former monastery building on Tryokhsvyatytelska Street to St. Michael's Monastery.

UOC-MP representatives complained that the local governments in Stryi, Zhydachiv, Mykolayiv, and Pustomyty in Lviv Oblast continued to ignore their numerous requests to allocate land for construction of churches to replace church buildings destroyed during the Soviet era.

Ukrainian Greek Catholic Church (UGCC) leader Cardinal Lyubomyr Huzar stated that authorities had not returned its former premises adjacent to St. George's Cathedral in Lviv. Local officials declared that the government did not have the money to resettle more than a dozen families residing there since Soviet times.

UGCC representatives in Crimea 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.

The government has not transferred ownership of St. Nicholas' Cathedral and a former residence of bishops in Kyiv to the Roman Catholic Church as well as other buildings in Kyiv, despite repeated promises to do so. The church also complained that the government continued to refuse to facilitate the restitution of Odesa's Roman Catholic seminary as well as properties in Chernivtsi, Dnipropetrovsk, Lviv, Mykolayiv, Sevastopol, and Simferopol.

Muslim representatives in Symferopol criticized the local city council for its refusal to allocate land for the construction of a new mosque.

In February the Zhytomyr Oblast Archives, with the approval of the National Archives, ordered the seizure of Torah scrolls that had been returned to the Jewish community in 2004 after having been in government possession since Soviet times. The Jewish community disputed the archives' claims that some of the scrolls had been damaged or gone missing. The scrolls were to remain with the oblast archives until the Interagency Commission on Restitution decides their final disposition.

On October 24, the president instructed the Cabinet of Ministers to establish a legal mechanism to return Torah scrolls, currently stored in the National Archives, to Jewish religious organizations. In November the SBU returned four Torah scrolls confiscated by the Soviet government to the Jewish community in Luhansk.

There was no progress in the resolution of the long-running dispute over the use of a Jewish cemetery in the Volyn Oblast town of Volodymyr-Volynsky. Local Jewish groups complained that the Ministry of Justice continued to refuse to help resolve this dispute.

On February 26, Odesa's Presbyterian community won a court ruling against the local actors' guild's effort to gain ownership of a recently-renovated historic Presbyterian church building.

The law restricts the activities of foreign-based religious organizations and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other non-citizen representatives of foreign-based religious organizations; however, there were no reports that the government used the law to limit the activity of such groups. Religious worker visas required invitations from registered religious organizations in the country and the approval of the government. Foreign religious workers were allowed to preach, administer religious ordinances, or practice other canonical activities "only in those religious organizations that invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization."

Leaders of the Church of Jesus Christ of Latter-day Saints (Mormons) in Kyiv complained that, on March 30, the Rivne Oblast administration ruled that church missionaries could not preach outside houses of worship, thus significantly limiting missionary activity. Church leaders noted that the oblast administration's decision contradicted a 1999 ruling by the former State Committee for Religious Affairs that its missionaries could freely carry out their work regardless of location.

On October 8, a Mormon missionary was detained and taken to the local office of the immigration and passport police where he was questioned. The missionary said he was told that he was detained for violating the country's Law on Freedom of Conscience and Religious Organizations for converting Orthodox believers. This law, however, does not restrict religious conversion.

On August 1, the All-Ukraine Union of Churches of Evangelical Pentecostal Christians reported that armed policemen raided a Pentecostal church in Evpatoria during services. All male parishioners were ordered out of the building for an identity check as the police searched the premises. Later the Crimean police directorate apologized to the church and said the raid was part of its efforts to arrest a serial killer who had reportedly described himself as a Pentecostal church member.

By law religion cannot be part of the public school curriculum. The All-Ukraine Council of Churches and Religious Organizations continued to support amending the law to allow for private religious schools, where in addition to a secular curriculum, students would be educated according to religious values of the founding religious organization.

The government promoted interfaith understanding by frequently consulting with the All-Ukraine Council of Churches and Religious Organizations, whose membership represents the faiths of over 90 percent of the religiously active population. The council met once every two or three months, providing 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

The generally amicable relationship among religions in society contributed to religious freedom; however, conflicts between local representatives of contending religious organizations in some cases adversely affected broader ties among religions in society.

Continuing tensions existed between the UOC-KP and UOC-MP when congregations attempted to change jurisdictions between the two factions. For example, the UOC-MP, UOC-KP, and the local government have not resolved differences concerning the use of the Holy Trinity Church in Rokhmaniv Village in Ternopil Oblast after the congregation split between the churches. On June 22, while commenting on the events in Rokhmaniv, the then acting chairman of the SCNR stated that although he hoped to see an end to the practice of various denominations sharing a house of worship, the government should not intrude into interdenominational disputes.

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

According to media reports, from January to mid-May the Ministry of Interior registered 873 instances of desecration of burial sites around the country. There were also several instances in which churches and cemeteries were vandalized, particularly in the Donetsk and Odesa oblasts, and Crimea. On April 30, vandals destroyed more than 400 tombstones at a cemetery in Mariupol; police arrested the offenders and the trial was pending at the end of the year.

On April 26, vandals painted antireligious symbols on a UOC-MP church and gravestones in Izmail, Odesa Oblast. In April vandals broke 35 gravestones at a Muslim cemetery in the village of Sofiivka near Simferopol. Police investigated both incidents but made no arrests.

The Jewish population during the 2001 census was estimated at 103,600, although some Jewish community leaders have stated the number may be as high as 300,000.

There were a number of acts of anti−Semitism, several of them involved physical attacks.

Police continued investigating several incidents in Zhytomyr reported in the media and by Jewish groups but had not made any arrests by year's end. On July 9, three youths attempted to attack Zhytomyr's Chief Rabbi Shlomo Wilhelm when he was leaving the synagogue after a religious service. Before police arrived, the attackers also tried to enter a dormitory for Jewish girls and shouted anti-Semitic insults. On September 27, an unidentified attacker sprayed a noxious gas into the face of Rabbi Menakhem Mendel Lichstein and fled. On August 6, Rabbi Nahum Tamrin and his wife Tzipora were attacked near the local synagogue; they required medical treatment for bruises and broken teeth. City authorities increased police patrols near the synagogue but the Jewish community remained concerned about their safety.

On September 28 in Sevastopol, the media reported that four men in a car approached Sevastopol's Chief Rabbi Benjamin Wolf. They got out and shouted anti-Semitic insults. One of them punched the rabbi, who sustained a concussion and light injuries. The police identified and detained the man who hit the rabbi. Police completed the investigation, arrested the person on October 1, and charged him with hooliganism. The case went to court in December, but the court delayed the trial for further investigation. At year's end no date for the trial had been set.

On September 29, in Cherkassy, the media reported that Israeli yeshiva student Josef Rafaelov and two other young Israeli Jews wearing traditional garb were attacked as they approached the city's synagogue. Witnesses said five or six youths attacked the men. Police investigated the attack but made no arrests by year's end.

The man who entered the Brodsky Synagogue in Kyiv with a knife demanding to see a rabbi in February 2006 was sentenced to prison for illegal possession of a weapon and released in late 2006.

There was no progress and none was expected in the investigation of other cases from 2006 including the April 2006 beating and stabbing of Israeli yeshiva student Haim Gorbov by skinheads, the September 2006 attack against Haim Weitzman in Odesa, the March 2006 attack on a yeshiva student on a Kyiv subway and the December 2005 assault on journalist Vladimir Matveyev of JTA-Global Jewish News.

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.

On February 19, vandals desecrated a memorial to Jewish Holocaust victims, a memorial plaque in honor of Jewish activist Leon Pinsker, and more than 300 tombstones at the Third Jewish Cemetery in Odesa, on which swastikas were drawn. The Ministry of Foreign Affairs, the local government, and representatives of many religious denominations and ethnic communities condemned the desecration. Local and national law enforcement authorities quickly formed a task force that led to the arrests of three individuals who claimed they desecrated the monuments to see how the public would react. On August 10, the Malynovsky District Court in Odesa found the three men guilty of the desecration and sentenced them to prison. One offender received a suspended sentence.

On May 20, gravestones in a Jewish cemetery were vandalized in Chernihiv and there were other reports of vandalism in Dnepropetrovsk and Kolomiya. Police investigated the vandalism but reported no results.

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 (known by its Ukrainian acronym, MAUP), which receives significant funding from several Middle Eastern government sources, remained the most persistent anti-Semitic presence in the country. According to Jewish organizations, MAUP accounted for nearly 90 percent of all anti-Semitic material published in the country. In February MAUP successfully appealed the 2006 order by the Ministry of Education to withdraw licenses from 26 MAUP regional branches. In late May the mayor of Kyiv responded to the opening of a MAUP bookstand selling anti-Semitic literature near the site of the memorial to the victims of Babyn Yar massacre by closing it and promising to close other MAUP bookstands in the city. MAUP filed a lawsuit against the mayor for his order to remove the bookstand.

During an October 22 meeting with leaders of Jewish community leaders and a November visit to Israel, President Yushchenko reiterated his strong condemnation of manifestations of interethnic hatred, including anti-Semitism.

For a more detailed discussion, see the 2007 *International Religious Freedom Report*.

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

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

Citizens who wished to travel abroad generally 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 denial of a passport.

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. 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 practice, however, the lack of a clearly defined asylum authority after the reorganization of the State Committee for Nationalities and Migration into the State Committee of Nationalities and Religion (SCNR) in November 2006 impeded the granting of asylum and refugee status.

Unlike in the previous year, the government provided some protection against *refoulement*, the return of persons to a country when there is reason to believe they feared persecution. However, human rights groups noted the current Law on Refugees does not provide for protection for war refugees, victims of indiscriminate violence, and 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 refuges to Russia. Some government officials expressed the view that Chechens did not fall under the 1951 UN Refugee Convention.

On Nov. 1, UNHCR issued a memorandum on the situation of asylum seekers in Ukraine in which it stated that the UNHCR strongly advised states contemplating returns of third-country asylum seekers to Ukraine to refrain from doing so, as no assurances could be given that the asylum seekers would be readmitted, would have access to a fair and efficient refugee status determination procedure, would be treated in accordance with international refugee standards or that there would be effective protection against *refoulement*.

The UNHCR noted that asylum seekers often lacked registration documents during the review of their cases and the appeal process because of an overly complicated and burdensome system of registration. This left them without documents and vulnerable to frequent stops by police, detention, and fines. Refugees and asylum seekers, who frequently came from Africa and Asia, were the victims of a growing number of xenophobic attacks.

Human rights organizations noted that, although the Law on Refugees has some provisions for asylum seekers, there was no state migration policy and at year's end five government agencies were responsible for migration, including the SCNR, the Ministry of Justice, the Ministry of Labor and Social Policy, the Ministry of Foreign Affairs, the and State Border Guard Service (SBGS). This situation resulted in refusals to grant refugee status at various stages of the process, and corruption. The International Organization for Migration (IOM) expressed concern about the lack of transparency in the process of returning migrants to their country of origin.

According to the SCNR, as of January 1, there were only two refugees from Uzbekistan in the country while independent experts estimated their number to be between 400 and 2,000. In 2006, the Donetsk-based NGO Memorial reported that only 10 percent of Uzbek refugees applied for asylum at the UNHCR office in Kyiv. In February 2006, 11 Uzbek asylum seekers were refouled to Uzbekistan. According to human rights groups, all the deported persons received prison sentences of three to 13 years upon arrival.

On August 31, local human rights groups protested the planned forcible return of ethnic Chechen refugee Lema Susarov to the Russian Federation, which sought his extradition on charges of robbery. Susarov, who had been recognized as a refugee by UNHCR Azerbaijan in 2006, was detained on July 20 and his extradition was approved by the PGO on July 27. His lawyer claimed SBU officers subjected him to physical violence when he was detained. Susarov registered as an asylum-seeker with the Kyiv City Migration Service on August 8. On July 31, Human Rights Commissioner Karpachova requested the prosecutor general stop Susarov's extradition to Russia and hold a hearing at the Kyiv City Court of Appeal. The court issued a ruling on September 28 that stayed Susarov's extradition and he remained in detention awaiting the court's decision at the end of the year.

At a June 19 press conference, UNHCR representatives noted that the country became a destination and transit country for migrants in 2006. The SBGS indicated the number of "irregular" (illegal) migrants was approximately 11,000 to 15,000 persons, mainly from Russia, Uzbekistan, Azerbaijan, Moldova, Georgia, Armenia, China, Pakistan, and Vietnam and heading largely towards Slovakia, a European Union country on Ukraine's western border. The SBGS confirmed that as of September 10, border guards apprehended 2,651 illegal migrants, including 15 Uzbek nationals and 159 Russian nationals of whom 77 were Chechens.

In the first nine months of the year, the MOI registered 1,454 refugees. According to the SCNR, as of January 1 there were 2,275 refugees in the country, including 740 women and 1,535 men. According to the committee, as of January 1, 959 persons applied for asylum; 44 persons were granted refugee status, while 488 were refused. The largest number of asylum applicants were from Asian countries. At the end of December 2006, there were 627 refugees from countries of the Commonwealth of Independent States, including 128 Chechen refugees from Russia, down from 144 in April 2006. Refugee rights organizations reported that in 2006, there were 159 appeals of refusals to accept asylum applications and 734 appeals of refusals to process documents for refugee status.

UNHCR noted that although the recognition rate for refugees remained low, it increased to 4 percent in 2006. Government media reported in September that, while 44 foreigners were granted such status in 2006, in the current year the number was 11.

In an April 26 letter to the UN Committee Against Torture, Human Rights Watch urged the SCNR to call for "urgent improvements in Ukraine's treatment of migrants and asylum-seekers as a key component of its international obligations." It referred to an October 2006 report that cited inadequate procedures for dealing with asylum seekers, substandard conditions and physical abuse in asylum centers, lack of basic procedural rights, inadequate food and sanitary conditions, and prolonged periods of detention.

The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The SBGS operated eight temporary accommodation centers for migrants, 88 facilities for initially processing those detained by the SBGS, and a site for temporary detention up to six months at the Pavshyne facility in Zakarpattia Oblast. Some NGOs expressed concern that Chechens held at the Chop temporary accommodation facility were often deported directly to Russia with insufficient time to apply for asylum.

The UNHCR noted that sanitary conditions at the Pavshyne detention center had improved during the year and that it had good cooperation with the SBGS, which had de facto responsibility for running the center. Improvements made to the facility included new toilet facilities, hot water, and additional living quarters. However, living conditions remained harsh for detained migrants and the facility relied on charitable donations for basic services. The Pavshyne facility continued to experience serious funding shortfalls because of unclear delineation of responsibilities between the MOI, which technically has controlled the center since 2006, and the SBGS, which continued to operate the center but did not have the legal authority to spend its budget on the center. Because of the budget shortfall, reports about harsh conditions continued to appear in media. For example, on September 8, the official newspaper *Holos Ukrayiny'* wrote about persistent problems in the center including overcrowding, long lines for hot water, insufficient state-funded meal-allowances, low pay for guards, understaffing, and the lack of funds for interpreters.

The IOM and UNHCR reported that conditions at the Mukacheve detention center for migrant women and children were better than at the Pavshyne facility.

According to several NGOs, the process for registering asylum seekers was overly complicated and often left them without registration documents. Under the law authorities may quickly reject asylum applications from individuals without formal registration as asylum seekers; the law requires the government to conduct refugee status interviews within 15 days of the application. Asylum seekers in detention centers were sometimes unable to apply for refugee status 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. As a result many asylum seekers remained undocumented after they were released from the temporary accommodation centers and faced arrest, detention, and deportation while awaiting a determination on their asylum application.

Refugees received minimal material assistance. There were no Ukrainian language classes for refugees and asylum seekers and no procedures to facilitate their employment. At an August 2 roundtable with local media, a senior police official in Volyn Oblast stated that the absence of a temporary detention center in the oblast resulted in forcible deportations.

Stateless Persons

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

According to the European Council on Refugees and Exiles and local partner NGOs, there are currently 3,000 stateless persons who came as refugees in the early 1990s fleeing the conflict in Georgia. The UNHCR estimates there were 63,577 stateless persons in 2006 including 8,246 registered *de jure* as stateless by MOI authorities. It estimated that there were 6,000 formerly deported Crimean Tatars who have returned to Crimea but have not registered as citizens, 5,000 refugees from Abkhazia, Georgia, and an unknown number of persons who either resided long-term in the country but have not clarified their citizenship since the collapse of the Soviet Union in 1991 or arrived in the country as students or visitors both before and after 1991 but continued to stay (often illegally) and failed to register with their consulates or take other steps required by their country of origin. Many still hold Soviet passports and did not obtain residency documents after the breakup of the Soviet Union. Refugees faced problems with regularization and had trouble with access to employment and property rights. While the government initially allowed refugees 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 application period in 2006 and again on May 1. Human rights organizations reported that many were unable to extend their registration at the MOI and are at risk of being stateless. They may be considered de facto stateless since they do not enjoy the protections of their country of origin or Ukraine according to the UNHCR.

A presidential decree of June, 2006 established mechanisms allowing any foreign national residing legally in the country to register their child born in Ukraine as a Ukrainian citizen within three months of submission of an application; this gives children of asylum seekers and refugees from Georgia the opportunity 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 through periodic elections, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

The preterm elections to the parliament (Verkhovna Rada) held on September 30 were a compromise solution to a political stalemate between the president and the ruling parliamentary coalition. Five of the twenty parties and campaign blocs running passed the 3 percent threshold to win seats in the parliament.

Amendments to the election law adopted in June abolished absentee ballots and disenfranchised voters who were abroad three days prior to the elections. Widespread inaccuracies in voter lists were reported as well as procedural violations at some polling stations and polling commissions, but independent monitors attributed these problems to the limited time to prepare for the snap elections rather than government efforts to exclude parties or voters. International election observers reported that the elections were "conducted mostly in line with Organization for Security and Cooperation in Europe and Council of Europe commitments and other international standards for democratic elections." While the Committee of Voters of Ukraine assessed the election as free and transparent, it stated in a press conference that up to 1.5 million citizens may have been deprived of their right to vote due to deficient voter lists.

According to the international election observer mission, preliminary administrative and ordinary courts actively adjudicated election-related disputes. The MOI, the PGO and the SBU actively pursued dozens of investigations of reported violations at local polling stations and election commissions, but none serious enough to affect the outcome.

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 at least half of the regions, and could not receive financial support from the state 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.

There were 39 women elected to the 450−seat Verkhovna Rada; 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, and the human rights commissioner. The 18−member constitutional court had two female members.

The exact number of minorities in the parliament was not available due to privacy laws. Among the members were ethnic Russians, Crimean Tatars, Armenians, Romanians, Georgians, and Jews. The defense minister is ethnic Buryat.

Crimean Tatar leaders continued to call for changes in the electoral law allowing them to achieve greater representation in the Crimean and national parliaments; current law does not allow the creation of political parties on the regional level, so Crimean Tatars had to join national political parties or blocs. Only one Crimean Tatar representative was a member of the national parliament. According to the Crimea information portal, the Tatars, who make up 12 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 Tatars, including one deputy prime minister and the minister for labor and social policy, as were two of the 14 heads of raion (county-level) administrations in Crimea. Crimean Tatars remained underrepresented in city councils and city administrations. For example, none of the deputies to the mayor of Simferopol was a Crimean Tatar. The Crimean Tatar representative body, the Mejlis, was not legally recognized by national authorities.

Developments continued concerning violations during the 2004 presidential and 2006 parliamentary elections. On July 31, the Ivano-Frankivsk Court of Appeal sentenced ex-governor of Zakarpattia Ivan Rizak to a five-year suspended sentence with one-year probation for fraud during the 2004 presidential elections.

In March the procuracy in the city of Cherkasy forwarded a criminal case to court against the former head of the local territorial election commission and member of the Cherkasy city council, Iryna Horovenko, for unlawful use of ballots, falsifying electoral documents, and intentionally miscounting ballots during mayoral elections of November 2006. At year's end she faced the possibility of three to five years in prison.

Government Corruption and Transparency

Corruption remained a serious problem in the executive and legislative branches of the government, including the armed services. The SBU reported that its special units and other law enforcement bodies launched 131 criminal investigations of bribery during the first nine months of the year. The media reported that, as of mid-year, there were 2,721 cases in the courts involving civil servants charged with corruption, 15 percent more than in 2006. The PGO press service reported that, in the first three months of the year it forwarded 432 criminal cases against 474 individuals accused of corruption to courts. Of these, 64 cases involved large-scale embezzlement of state property, 274 concerned abuse of office and 94 involved bribery. In the first three months of the year, 38 civil servants were charged, as well as 83 local government officials, 44 local elected officials, 23 staff members of oblast and district state administrations, 27 employees of the tax service, and seven employees of customs bodies. As of the end of October, the PGO launched 257 corruption-related criminal cases against law enforcement representatives; of these 206 were forwarded to courts.

According to the March survey by the project 'Promoting Active Citizen Engagement in Combating Corruption in Ukraine', 67 percent of respondents stated that over the previous 12 months they had been directly involved in a corrupt transaction involving government officials, and 26 percent indicated that they had paid a bribe.

Respondents reported that over the past decade, the payment of bribes for healthcare, police, housing, customs, the courts, the procuracy, and schools had increased substantially, while the practice had decreased in connection with tax inspections, road police inspections, and obtaining social services.

On February 28, Deputy Prosecutor General Tetyana Kornyakova announced a criminal case against the former chairman of Naftohaz Ukraine national oil and gas company, Oleksiy Ivchenko. She alleged that, under Ivchenko's chairmanship in 2005-2006, the company's top managers illegally received bonuses, used charter flights to transport their families, and transferred funds to a company linked to Ivchenko. Ivchenko, who is the leader of the Congress of Ukrainian Nationalists, claimed the accusations were politically motivated and threatened to sue for libel. The case was on-going at the end of the year.

In 2006 prosecutors in Sumy Oblast pursued corruption cases against former Sumy mayor Volodymyr Omelchenko and former city council member Olha Krutushkina. Krutushkina appealed a five-year sentence and was released in November 2006 by a Supreme Court decision. In January the media reported that the Sumy Oblast procuracy was considering criminal cases against seven witnesses who provided testimony against her. On March 14, former mayor Omelchenko was released on bail; the court withdrew several charges concerning abuse of office, but blackmail charges were pending.

In June the Central Region Military Court of Appeal sentenced Colonel Oleksadnr Voloshyn to eight years in prison and stripped him of his military rank for accepting $590,000 (3 million hryvnia) in bribes. He was discharged from the military.

By law, officials are required to file financial disclosure statements, although these often underreport actual income. The Law on Combating Corruption identifies special subdivisions at MOI, SBU, prosecutors' offices, and the Ukrainian Military Law and Order Service (military police) as responsible bodies for combating corruption.

The Constitution and the law provide the right for public access to information, with exceptions for national security. Government bodies are required to answer requests within 10 days and provide the information within 30 days. Denials can be appealed to a higher level at the agency concerned and then to a court.

Many human rights organizations and journalists stated that access to official information remained difficult during the year. Government officials did not understand the rules concerning releasable information, and Soviet-style attitudes and traditions of secrecy were prevalent.

Information on the process by which the government made important decisions usually was not available to the public. The KGHRP noted that the government continued the Soviet-era practice of issuing secret government documents on matters that did not involve national security or personal privacy.

According to a KGHRP study, individual government agencies including the parliament and the president's office, either refused or failed to respond to 51 to 71 percent of the requests for information they received.

On October 31, the Kyiv Court of Appeal upheld the administrative court's decision allowing the Constitutional Court to not respond to information queries. Earlier, the Constitutional Court refused to release to the Media Law Institute the titles of publications in which the court participated in compiling.

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 sometimes resisted taking their views and recommended actions into account.

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

A Ministry of Justice advisory council, chaired by a civic leader, continued to monitor the human rights situation in prison facilities. The SBU continued work with its advisory council consisting of politicians, NGO activists, and independent experts to provide civilian oversight and increase transparency of SBU activities. Several human rights observers believed that the MOI mobile monitoring groups, initiated at the suggestion of NGOs in 2005, were very effective in gaining access to and monitoring conditions in prison facilities.

Major independent, non−partisan, national human rights NGOs and civil liberties groups included the Committee of Voters of Ukraine, the Kharkiv Group for Human Rights Protection, the Ukrainian Helsinki Human Rights Union, Amnesty International, the Institute for Mass Information, the Independent Media Union, the Chirikli Roma Women's Fund, the Ukrainian Union of Psychiatrists, Kharkiv-based Legiteam, La Strada-Ukraine, the Congress of National Communities of Ukraine, and Donetsk-based Memorial.

The government generally cooperated with international governmental organizations, including the UN, the Organization for Security and Cooperation in Europe, and the Parliamentary Assembly of the Council of Europe. Citizens may apply to the ECHR for the redress of grievances involving an alleged infringement of rights under the European Convention on Human Rights. As of October 18, the ECHR ruled in 77 cases involving Ukraine and found violations in 76 cases according to the government's ECHR commissioner. According to the ECHR president, the cases included complaints about nonenforcement of court judgments, lengthy court proceedings, and property rights issues.

According to the government's ECHR commissioner, Yuriy Zaitsev, in the first nine months of the year, $413,000 (2,107,535 hryvnia) was spent to enforce 93 ECHR rulings. During the first nine months of the year, the Supreme Court, based on ECHR decisions, reversed earlier court rulings in the cases of Trehubenko vs. Ukraine (violation of property rights and of the right of access to the court, ECHR ruling of November 2004), Hurepka vs. Ukraine (violation of the right to appeal against administrative charges imposed by the court, ECHR ruling of September 2005) and Volokhy vs. Ukraine (violation of the right to privacy, ECHR ruling of November 2006).

The Constitution mandates the position of human rights ombudsman, officially designated as the parliamentary commissioner on human rights. Human rights organizations criticized the office of the human rights ombudsman for inadequate responses to claims of human rights violations and for not cooperating with human rights groups.

In February Nina Karpachova was reelected by parliament to a third term as human rights commissioner.

According to human rights experts, the public at large was not aware of procedures to bring matters to the commissioner, and there were complaints about the commissioner's poorly updated Web site. Organizations also expressed concern that the commissioner did not have a sufficient number of regional representatives.

The ombudsman's office employed approximately 50 experienced lawyers; its top priorities were to make improvements to pretrial detention facility conditions and detainee rights. The office last issued an annual human rights report to parliament in July 2005. The ombudsman reported that her office released a compilation of documents concerning human rights protection for the period 1998-2006 but the document was not publicly available on the commissioner's Web site.

As of October 10, the ombudsman's office reported that it received appeals from 63,839 residents. Of these, 53.8 percent of the appeals concerned violations of **civil rights** (fair trial, timely execution of courts' rulings, protection from police abuse), 18.6 percent violations of **social rights** (to housing, education, social protection, pension, and healthcare), 15.4 percent violations of **economic rights** (property rights, including land issues, rights of entrepreneurs, consumer rights), 11.2 percent

violation of personal rights (to life, from violence, torture in detention, arbitrary arrests) and 0.9 percent concerned political rights.

During the year the ombudsman's office established a public hot line to report abuses by law enforcement personnel, which independent observers said was successful. Human rights organizations criticized the ombudsman for not following through on establishing an independent mechanism for the Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which the country ratified in July. The commissioner's office was responsible for setting up a mechanism to implement the protocol and reported that on May 31 the commissioner forwarded recommendations to the prime minister concerning establishing such a mechanism.

In April the president issued a decree to establish a presidential representative on human rights and individual freedoms at the presidential secretariat. Critics expressed doubt about its independence because it will not include NGO participation and as of the end of the year, no appointments had been made.

The parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations had subcommittees on human rights, interethnic relations, indigenous people, national minorities and ethnic groups, deported persons and national minorities, victims of political repression, gender policy, refugees and migration, Ukrainians living abroad, international law, and ethical policy and prevention of domestic conflict. Human rights NGOs noted that the parliamentary committee did not do enough to support human rights bills or act on recommendations from the 2006 parliamentary hearings on gender equality and domestic violence, although due to political deadlock, the parliament did not operate for much of 2007. Following the formation of a new parliamentary coalition, Ihor Sharov of the Lytvyn bloc was named chairman on December 26 and subcommittees were being formed at year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution and the law prohibit 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. Violence against women and children, gender-based discrimination, trafficking in persons, and harassment and discrimination against ethnic minorities and homosexuals, and a rise in xenophobic violence were problems.

Women

Violence against women remained a serious problem. According to the MOI, during the first six months of the year, police recorded 619 incidents of rape or attempted rape; a decrease of 19.4 percent compared to the same period last year. In 571 of the recorded cases, police identified the accused assailants.

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.

Spousal abuse is illegal but was common, and authorities often pressured women not to press charges against their husbands. According to Amnesty International, an estimated 50 to 70 percent of all women have been subjected to physical violence or psychological abuse at home. According to the MOI, in 2006, only 18 percent of citizens were aware of the law on preventing domestic violence. Amnesty International reported that women who attempted to take perpetrators to court were hampered by widespread corruption in the criminal justice system or by the derisory punishments imposed by the courts.

According to the MOI, police recorded more than 87,100 individuals for committing acts of domestic violence. During the first ten months of the year, police registered 42,400 such individuals, including 24,500 for physical violence, over 15,900 for psychological violence and 1,900 for economic violence. Police issued 49,800 official warnings and another 3,500 injunctions for protection; as a result of complaints, 48,377 persons were fined, 222 were sentenced to community service, and 6,307 were put under administrative arrest.

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.

According to Amnesty International, Legiteam, and La Strada, private and municipally funded shelters were not always accessible, and some of them did not function throughout the year. 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 under the age of 35 and to families.

In March La Strada and a number of other women's rights organizations expressed concern about plans by the Kyiv Shevchenkivskiy district authorities to return control over the premises of the Kyiv Women's Center to the city administration for sale or rent to another organization. Kyiv authorities provided the office space in 1998. As of December the status of the center remained unresolved and the women's center faced possible closure**.**

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

Prostitution is illegal but widespread and largely ignored by the government. Sex tourism rose as the country attracted greater numbers of foreign tourists. Laws criminalizing organized prostitution and penalties for human trafficking have had little effect because many convicted traffickers often do not end up serving prison time.

Trafficking in women for sexual exploitation was a serious problem.

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 and were the ones most likely to be affected by wage arrears. The Labor Code sets the retirement age for women at 55 and for men at 60. There were reports of some employers refusing to hire younger women likely to become pregnant or women over 35. Women also received lower salaries and had limited opportunity for career advancement. Few women held top managerial positions in the government or in state- owned or private industry.

Children

The government was publicly committed to the defense of children's rights, but budgetary considerations, an under-funded and poor quality health care system, an insufficient number of trained social service employees, and the lack of coordination between responsible government agencies limited its ability to ensure these rights.

The government continued to implement the State Program to Combat Child Homelessness and Neglect, adopted in May 2006 with a $4 million (20 million hryvnia) budget. It launched the Street Children Program in the cities of Kyiv, Lviv, Donetsk, Khmelnytskiy, Ternopil, and Ivano-Frankivsk during the year. According to President Yushchenko, this program helped increase the number of foster families by 300 percent and the number of "foster family homes" by 40 percent in 2006. (A "foster family home" is a government-provided home in which foster parents raise their own and foster children.) On May 4, the president issued a decree outlining measures to protect minor orphans, children without parental care, and support for foster parents.

As of January, the number of minor orphans and children in foster care was 64,192; assistance was provided to 259 foster family homes that accommodated 1,669

children and to 1,117 foster families that cared for 1,748 children. A single data bank on minor orphans and children without parental care was created and as of July 1, it had registered 70,122 children. The Ministry for Family, Youth, and Sports began transforming shelters for children into centers for social and psychological rehabilitation of children. During the first six months of the year, approximately 10,000 children remained in specialized shelters and centers for social and psychological rehabilitation.

The International Labor Organization (ILO) and UNICEF, together with a number of local NGOs, funded projects that actively promoted children's rights including projects dealing with child labor, child trafficking, street children and the commercial exploitation of children. Domestic and foreign NGOs, local business, and First Lady Kateryna Yushchenko all continued their work to aid orphans and street children.

Education is free, universal, and compulsory until age 15; however, the public education system continued to suffer from chronic underfunding. Teachers were usually paid their salaries during the year, but other monetary benefits were not paid in some localities. Children from poor families continued to drop out of school during the year. Inspections by the PGO revealed that almost 5,000 schoolchildren did not attend school for various reasons. Over 3 percent of school-aged children did not attend school. Many of these were employed in agriculture and illegal coal-mines, or in some cases were forced by their parent 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 children to travel long distances, often at personal expense, to attend schools in other villages.

The problem of growing violence and crime in and outside of schools persisted, particularly in the notoriously violent vocational schools, and discouraged some children from attending school. Roma rights organizations reported numerous incidents of discrimination against Romani children in schools.

Health care was provided equally to girls and boys, but the overall quality of the health care system was poor.

Children continued to be victims of violence and abuse. During the year the MOI cited over 8,209 underage crime victims, of whom 132 were rape victims, 52 suffered from intentionally inflicted bodily injuries, and 46 were victims of human trafficking. In 2006 the MOI cited 80,000 families for violence against children, issued approximately 1.5 million official warnings with regard to domestic violence, and initiated over 1,000 criminal cases concerning child abuse. There were also many complaints of abuse of children related to child prostitution, pornographic video sales, child molestation, and illegal child labor. Police often did not investigate parents who allegedly abused their children.

Human rights organizations reported police violence against minors, including sexual violence. For example, in April 2006 the Zaporizhzhya regional prosecutor initiated a criminal case against police officers for the illegal detention and rape of a child. At year's end the investigation was ongoing. There also were numerous cases of teachers abusing children. In 2006 the prosecutor's office in Kherson opened a criminal case against a teacher at a boarding school accused of slamming the head of a sixth-grader against a desk and beating two other pupils outside of class hours.

Over 162,000 disabled children live in the country according to the PGO**.** Almost 8,000 disabled children remain in boarding schools under control of the Ministry of Labor and over 10,000 children remain in boarding schools under control of the Ministry of Education. Inspections by the PGO in 10 oblasts with high numbers of these children revealed that local authorities failed to address their needs.

In November the media reported that the administration of the Torez specialized boarding school for children with physical and mental disabilities allowed child orphans to be used for sifting and loading coal. The children worked eight hours daily to load between 4 to 6 tons of coal. As of December, the investigation continued.

In February the Sevastopol prosecutor Volodymyr Dereza reported that in 2006 approximately 60 children from orphanages and boarding schools were unlawfully kept for one month in a local psychiatric hospital without the consent of doctors or parents. The prosecutor's office launched a criminal investigation against three psychiatrists.

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

Commercial sexual exploitation of children remained a serious problem. According to domestic and foreign law enforcement officials, a significant portion of the child pornography available on the Internet continued to originate in the country.

On November 5, Europol reported that a worldwide child sex offender network was dismantled as part of Operation Koala begun in 2006. According to Europol, pornographic material was produced in a studio in the country and 21 of the 23 children involved (aged 9 to 16) were from Ukraine. On November 7, the National Interpol Bureau made a statement that it could not cooperate with Europol due to the lack of an agreement.

Trafficking In Persons

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

The country remained a point of origin for internationally trafficked men, women, and children. The main destinations were Russia, Turkey, Western and Central Europe, particularly Poland and the Czech Republic, and the Middle East.

The country also was a transit route for individuals from Central Asia, Russia, and Moldova. The IOM reported that, as of June 30, at least nine individuals from Moldova, Russia, Kyrgyzstan, and Uzbekistan had been trafficked through Ukraine to Turkey and the United Arab Emirates (UAE).

The IOM did not identify any cases of Ukraine as a destination for trafficked individuals, but did identify 29 internal cases of trafficking as of September 30. Antitrafficking police from Chernivtsi, however, stated that labor exploitation of Moldovans in western Ukraine was a problem, but there were no criminal prosecutions.

Seventy-five percent of victims identified by the IOM during the year were women who were forced into prostitution or used as housekeepers, seamstresses, dishwashers, and as workers at various small and large manufacturing plants. The number of men identified as victims of trafficking for labor exploitation, mainly as construction workers and miners, increased. One challenge with male victims was their reluctance to acknowledge they had been trafficked and the authorities' tendency to prosecute the cases on the basis of non-trafficking-related statutes or to refuse to recognize it as labor trafficking. Children who were trafficked across the border or within the country were forced to provide sexual services, engage in unpaid work, or beg. Also children were trafficked within the country for the purposes of producing pornography for use by pedophiles from other countries.

According to the IOM, the main trafficking victims were females up to 30 years of age (for sexual exploitation) and older females (for labor exploitation), males 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 trafficking victims had been employed, but with low salaries, and thus were tempted by the offer of the opportunity to earn better wages abroad. According to local NGOs, children who had to leave orphanages at 18 were also at high risk, since they had no family support structures in place, had difficulty finding work, and often had no place to live.

Victims were usually trafficked into conditions of severe exploitation: beatings, limited and low-quality food, no medical assistance, and long hours of work. In one instance, a newspaper reported that women trafficked to the UAE were severely beaten and left without any medical assistance.

Estimates regarding the number of Ukrainian trafficking victims varied, however, a survey conducted by the IOM released in December 2006 stated that approximately 117,000 Ukrainians since 1991 had been forced into exploitative situations in Europe, the Middle East, and Russia. The survey indicated that labor exploitation accounted

for 80 percent of the trafficked victims.

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

Traffickers used the same methods to recruit victims as they did in previous years, including newspaper, television, and radio advertisements that offered jobs abroad with high salaries or promises of modelling contracts, marriage proposals, and trips through travel agencies. Traffickers often presented themselves as friends of other friends and deceived the relatives of potential victims. Traffickers often paid for processing of passports and travel documents for victims, thus placing them into debt bondage. In some cases traffickers kidnapped their victims. News service *podrobnosti.ua* reported a case of a young woman who went on vacation with a friend, who sold her to a brothel in Turkey for $2,000.

The law provides for penalties of three to eight years' imprisonment for trafficking in persons for various purposes, including sexual and labor exploitation. Under some aggravated circumstances involving trafficking of minors aged 14 to 18, or of groups of victims, traffickers may be sentenced to prison terms of from five to 12 years. Traffickers of minors under the age of 14 or members of organized trafficking groups may be sentenced to terms of from eight to 15 years.

In the first six months of the year**,** over 60 percent of the individuals convicted for trafficking received probation rather than prison sentences. In August the PGO acknowledged the problem and issued written instructions to prosecutors to appeal all verdicts that sentenced convicted traffickers to probation rather than prison time. As a result, the press reported that in several high-profile cases convicted traffickers received jail time.

In the first 10 months of the year, the number of investigations and prosecutions of suspected traffickers increased relative to the same period in 2006. As of October, according to MOI statistics, 332 cases had been filed involving 347 victims, including 53 minors. The authorities broke up 17 organized criminal rings – defined as at least three individuals working together - involved in human trafficking during the same period.

As of July 1, 48 court cases were completed, 42 of which resulted in the conviction of a total of 69 defendants, 19 of whom had open appeals at the end of the year. Of the remaining 50 convicted traffickers, 32 received suspended sentences, five were given up to three years in prison, five received three to five-year sentences, seven received five to eight-year sentences, and one received an eight to 10 year sentence. One-third of the cases in which suspended sentences were awarded were being appealed by the PGO at year's end. At year's end 54 criminal trafficking cases were still being heard by the courts. The percentage of persons sentenced to prison terms relative to probation decreased from 43 percent in 2006 to 36 percent in the first six months of the year.

As of September 21, there were 566 private entrepreneurs and companies that had licenses for employment abroad. The government reported that it regularly reviewed the licenses of domestic employment agencies. During the last two years, the Ministry of Labor and Social Policy conducted 383 checks and withdrew 140 licenses. In a limited number of cases, the ministry withdrew agency licenses because of involvement in trafficking. However, 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 received bribes in return for ignoring trafficking, as did judges for lighter sentences for traffickers. The low number of prosecutions of government officials for trafficking-related corruption raised questions about whether the government was willing 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, as their negative stereotypes of victims, lack of aggressive prosecution, and difficulties in obtaining evidence from abroad led to the low number of cases brought to court.

Some victims testified against traffickers, but most were reluctant to seek legal redress due largely to a lack of trust of the law enforcement agencies and the courts, negative public opinion toward trafficking victims, weak witness protection programs, and a lack of understanding on the part of investigators and judges that there might be real threats against victims from traffickers or their accomplices. Skepticism that civil courts would award significant compensation deterred most victims from filing civil cases.

The IOM operated a comprehensive medical center and shelter for victims of trafficking in Kyiv that provided medical and psychological services, including vocational counseling. The European Commission funded seven shelters located in major cities with local administrations providing the premises at a nominal fee. Government funding for these facilities continued to be limited. As of September 30, 127 victims of trafficking had stayed at the IOM's rehabilitation center. In addition 33 local NGOs provided reintegration assistance to trafficking victims. The IOM disbursed funds to more than 75 civil society and faith-based organizations to raise trafficking awareness among vulnerable segments of society. In April, the three largest cell phone service providers established a toll-free number "527" connected to a hotline which offered advice and warnings regarding finding work abroad and which offered assistance to persons who were exploited while abroad. Since the launch of the 527 number, the hotline received more than 1,700 calls by the end of the year.

Government cooperation with NGOs on antitrafficking programs was steady during the year. Local administrations continued to include NGOs as partner organizations in their regional action plans, but most funding for NGOs and shelters continued to be provided by international donors. However, local authorities from 14 oblasts (regions) provided direct funding to antitrafficking NGOs in the amount of $20,000 (103,139 hryvnya.)

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 the year, 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.

Persons With Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or other state services. However, advocacy groups maintained that there was societal discrimination against persons with disabilities. According to the Ministry of Labor and Social Policy, there were 2.45 million persons 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 for persons with physical disabilities to government and public buildings in accordance with a 2005 presidential decree, but most public buildings remained inaccessible.

The then deputy head of the Verkhovna Rada's Committee on Pensioners, Veterans, and Persons with Disabilities, Valeriy Sukhkevych stated on May 3 that the country did not sign the UN Convention on the Rights of Persons with Disabilities because domestic legislation is poorly implemented and inconsistently protects the rights of the disabled.

According to the Ministry of Labor and Social Policy, 384,000 disabled persons were employed at 98,987 enterprises. Over 10,000 disabled students are studying in vocational and university-level academic institutions.

According to Semyon Gluzman of the Ukrainian Psychiatric Association and the UAHRB, psychiatric hospitals remained at risk for abuse of patients and many psychiatric hospitals continued to use outdated methods and medicines. The absence of public watchdog councils at psychiatric hospitals and a lack of enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

In January the International League for Protection of the Rights of Ukrainian Citizens reported to the media and law enforcement bodies that medical staff at a hospital for persons with mental disabilities in the Svyatoshyn district of Kyiv mistreated patients and covered up the mistreatment during a police investigation. At another institution for children with severe physical and mental disabilities, there were reports of deliberate underfeeding that resulted in one death from malnutrition. The staff of this hospital reportedly underfed patients on purpose so as to keep them at a manageable weight. According to an informed NGO, authorities did not conduct an official investigation.

There were reports from prosecutors and human rights groups about abuse of children with disabilities. The city of Zhytomyr prosecutor's office reported in May that the administration of the Novohrad-Volynskiy orphanage withdrew over $6,700 (34,000 hryvnia) from the personal accounts of disabled children and transferred them to the facility's account. Actions by the prosecutor's office helped return $1,960 (10,000 hryvnia).

Two persons with disabilities were reelected to the Verkhovna Rada.

National/Racial/Ethnic Minorities

The Constitution and the 1992 Law on National Minorities contain general guarantees for the protection of ethnic groups, but the law refers only to citizens. The Constitution prohibits discrimination based on race, skin color, political, religious and other beliefs, gender, and ethnic and social origin, but there are no implementing laws.

Although incitement to ethnic or religious hatred is punishable by article 161 of the Criminal Code, human rights organizations expressed concern that a requirement to prove 'direct intent', including proof of prior intent, makes it nearly impossible to apply in practice. As a result, prosecutors preferred to deal with racist crimes by calling them hooliganism or other simpler offenses in order to press charges. As of December, the PGO prosecuted only one ethnically-motivated killing based on article 161 and the Kyiv prosecutor's office qualified one case based on the same article and sent it back to the police for pretrial investigation.

The Law on Printed Mass Communication Media allows for the suspension of publications for inciting religious or ethnic hostility, but wasn't used in practice.

During the year domestic human rights groups noticed growing ethnic intolerance in the country and the impunity of those responsible for acts of violence. According to NGOs, in recent years, xenophobic attacks have became more systemic and brutal, while officials have frequently denied signs of xenophobia or racism.

Human rights groups noted that police failed to admit the existence of ethnically-motivated crimes and often qualified such acts as "hooliganism." Police did not collect statistics on hate crime, and police crime reports reflect only 5 to 10 percent of all hate crimes.

Harassment of racial minorities 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.

In August the MOI announced the creation of a crime department to investigate crimes committed by foreigners as well as against foreigners (who were the majority of the victims of racially-based hate crimes). Human rights groups expressed concern that the crime unit's dual goals might divert its attention from investigating the growing number of xenophobic crimes and saw the potential for racial profiling in its activities to prevent crimes by foreigners. The department had begun work by the end of the year. In September the MOI also established a department for strategic analysis and ethnic crime in each oblast.

On October 23, following a meeting between President Yushchenko, Acting Interior Minister Mykhailo Korniyenko, Acting SBU Chief Valentyn Nalyvaichenko, Prosecutor-General Oleksandr Medvedko and leaders of the Jewish community, the president's spokesperson announced the creation of a special unit of the SBU to combat xenophobia. On November 13, the Ministry of Foreign Affairs announced the establishment of the new post of special ambassador to combat racism, xenophobia, and discrimination.

According to human rights experts, some media coverage contributed to worsening of public opinion towards ethnic minorities. For example, the central news agency UNIAN reported a March against Racism in June featuring show business celebrities and various ethnic groups as "Negro lovers gathered in Kyiv" and "Negroes surrounded the president's secretariat." Following the criticism, UNIAN held televised round tables of experts to highlight the problem of xenophobia.

NGOs reported that incidents of racial hatred and xenophobia were increasing, influenced by foreign skinhead and neo-Nazi groups, as well as locally-based neo-nationalist organizations such as the Ukraina National-Labor Party, Brotherhood, Patriots of Ukraine organization, Ukrainian Movement Against Illegal Immigration, and the National Alliance youth NGO. The MOI confirmed that on February 18 a group of 50 to 60 skinheads attempted to break into a night club in Lviv to disrupt a concert of supporters of the Belarusian antifascist movement. They broke five windows at the Lviv puppet theatre and painted fascist symbols on the walls. On February 26, Halytskiy district police launched a criminal case on charges of hooliganism and disruption of public order.

On March 3, according to reports by the Union of Councils for Jews in the Former Soviet Union, approximately 50 ultranationalists held a rally in Kyiv to protest the presence of African traders in the city's Shuliavka market. Media reported that police arrested an organizer, who was charged with hooliganism.

Acting SBU Chief Nalyvaichenko in a public statement to the media stated that three racist youth groups were active, each comprising 10 active skinheads and 50 to 60 young members, whose number was growing. NGOs cited larger figures.

The KGHRP reported regular torchlight processions by far-right youth groups at campuses where foreign students live. According to the KGHRP, such demonstrations often ended with violence against the students, but victims were too frightened to report attacks to police.

The MOI confirmed that 35 racially motivated violent incidents took place in 2007, resulting in seven fatalities. Human rights monitoring groups reported eight fatal attacks during the year, mainly involving Middle Eastern, Asian, and African nationals, and more than 30 other incidents involving racially motivated violence against persons of African, Middle Eastern, and Asian heritage by skinhead groups and others.

In December 2006, Lamin Jarjjou, a Gambian student at the National Aviation University, died of multiple stab wounds in Kyiv in what the media and local Gambian community believed was a racially motivated attack. On September 25, the media reported that police in Kyiv arrested four men on suspicion of having killed both Lamin, as well as an Iranian student of the Kyiv Technical University on August 14. One of the four suspects was charged with premeditated murder.

On February 16, a group of men attacked a group of Georgians and beat one of the group to death, 34-year-old Moris Dzugashvili. His brother was hospitalized with serious injuries. According to the NGO Congress of Ethnic Communities, police believed ethnic hatred could have been a motive and they opened a criminal case. Dniprovsk district police in Kyiv launched a criminal case for hooliganism and intentionally causing grave bodily injury. Two Kyiv residents were detained and the case was forwarded to court.

On March 17, the media reported an Iranian-Ukrainian was stabbed near the Lukianivka market in central Kyiv and later died of his wounds. Witnesses say the killer appeared to be a skinhead. Shevchenkivskiy district police in Kyiv launched a criminal case for hooliganism and causing intentional grave bodily injury. On March 27 police detained a local resident who confessed and charged him with premeditated murder. The case was forwarded to court.

On June 3, a 43-year-old refugee from Iraq, Ra'ad Abdul Aziz Al-Ubaidi, was stabbed to death in Kyiv near the Nyvki underground station. According to observers and media sources, the assailants appeared to be skinheads and there were no signs of robbery. A criminal case was launched and on June 8, four suspects were arrested

and charged with premeditated murder and robbery.

There were developments in the October 2006 killing of a Nigerian citizen, Godi Kunuon Mievi, by a group of skinheads. The Kyiv prosecutor initiated a criminal investigation and three suspects were detained. All three were charged with inciting ethnic or racial hatred (the only case during the year in which this charge was used); one was also charged with premeditated murder, while the other two were charged with hooliganism. The trial continued at the end of the year. The main defendant recanted his earlier statements and claimed that his confession that he stabbed the victim was made under police pressure.

There were no developments in the December 2005 attacks on two Iranian asylum seekers in Kyiv by a group of young men dressed in military uniforms.

The country's estimated 400,000 Roma (government figures were 47,600) faced both governmental and societal discrimination. In October 2006 the European Roma Rights Center (ERRC) complained to the UN Human Rights Committee about violence against Roma in the country, racial targeting and profiling by police against Roma, discrimination in social programs and employment against Roma, and the widespread lack of necessary documentation for Roma to enjoy access to social services and protections. In many areas of the country, poverty often forced Romani families to withdraw their children from school. There were numerous reports of Roma being evicted from housing, removed from public transportation, denied public assistance, kicked out of stores, and denied proper medical treatment. According to the Roma Congress of Ukraine, the findings of the 2003 national study on social integration of Roma remain current: only 38 percent of Roma are economically active, 21 percent have permanent employment, and 5 percent have temporary employment, mainly seasonal jobs.

Representatives of Romani and other minority groups claimed that police officials routinely ignored, and sometimes abetted, violence against them. According to the Chirikli Roma Women's Fund, on July 19, the Svyatoshynskiy district police in Kyiv detained and abused a Roma woman following a dispute between the woman and a market vendor. According to the woman, she was detained for one day during which she was beaten and denied food, water, and medical assistance for her wounds. Police ignored her requests to visit and feed her four-year-old son, who was home alone. The next day, the woman appeared in the Svyatoshynskiy District Court and was charged with hooliganism.

Roma rights groups reported that, on September 12, police in the city of Chyhyryn in Cherkasy Oblast ordered a group of Roma to the police department, where they were photographed and fingerprinted. According to human rights groups, this happened a second time within two months in the same region. Police allegedly were gathering a data base of all Roma in the region, although the local MOI maintained that it collected data only on suspects in criminal cases and those convicted of crimes.

The Romani community in Zolotonosha in Cherkassy Oblast complained that police took no action in the November 2006 alleged beating of a young woman by four policemen. According to the community, the police entered her home and beat her, resulting in serious head injuries. The woman's family reported that, in response to their complaint to the police, the accused police officers threatened to kill the woman if she continued to press for an investigation.

Roma rights groups reported that police used searches to intimidate human rights defenders. In June 2006 the ERRC sent a letter of complaint to the prime minister after police searched the house of Volodymyr Bambula of the Zolotonosha-based Amer-Roma NGO on June 13.

There were some reports that the government was addressing the longstanding problems faced by the Romani community. For example, the Chirikli fund reported in fall 2006 that a court in Odesa reviewed its complaint against a school director who refused to admit a Romani child to school. The court refused to review claims of discrimination but the case was still under review for possible administrative violations as of December**.** A court in Donetsk refused to accept a similar complaint.

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 about the increased use of Ukrainian in schools, college entrance exams, the media, and the courts. According to Ministry of Education statistics, during the 2007-2008 school year, 1,253 schools taught students in the Russian language while 1,729 schools taught students in both Russian and Ukrainian. In addition, there were seven Moldovan schools (plus seven bilingual ones), 15 Crimean Tatar schools (plus one bilingual one), 70 Hungarian schools (plus 28 bilingual ones), five Polish schools, and 92 Romanian schools.

The media reported that on the night of April 26, unknown persons burned a bust of the Russian poet Pushkin on the front of the Russian Cultural Center in Lviv and broke glass in the hall. According to center staff, this was the fifth incident during the year. Police did not investigate any of the incidents.

Members of the Luhansk Oblast and city councils appealed to the Luhansk Oblast prosecutor's office to take action against Serhiy Melnychuk who beat Arsen Klinchayev in December 2006 in a fight over use of the Ukrainian language.

On February 19, the Donetsk Oblast Council won an appeal in an ongoing legal battle to implement its 2006 decision to grant official status to the Russian language in the oblast. The Zaporizhzhya Oblast Court of Appeals upheld a decision to annul the Zaporizhzhya Municipal Council's resolution granting regional status to the Russian language. Litigation over similar decisions continued in Luhansk and Kherson oblasts.

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. On November 20, the president issued a decree ordering expansion of the network of Ukrainian language academic institutions in Crimea and Sevastopol.

Crimean Tatars asserted that discrimination by mainly ethnic Russian officials in Crimea deprived them of employment in local administrations and that propaganda campaigns, particularly by Russian Cossacks, promoted hostility against them among other inhabitants of Crimea.

On January 11, the parliament adopted a law that criminalizes the unauthorized seizure of land (land squatting). Crimean Tatar Mejlis leaders criticized the law, alleging that it will be directed against Crimean Tatars who do not possess land. According to then Crimean Prosecutor Viktor Shemchuk, as of May 22 there were 64 instances of illegal land seizures, many by Tatars.

The media reported that, on January 9, three young Russian-speaking men attacked Mejlis press secretary Lilia Muslimova in a bus on her way home in Simferopol for speaking Crimean Tatar. Eyewitnesses say that none of the passengers on the bus tried to protect her or call the police. According to the MOI, an unknown man pushed her, but it was not clear if this was intentional. A criminal case was not launched because of insufficient proof of a crime.

Channel 5 television reported on January 18 that a land dispute in Simferopol ended with a clash between a group of 150 Crimean Tatars and local police. Crimean Tatars protested a decision to allocate 2.6 hectares of land to a private construction company. They maintained that houses for Crimean Tatars should have been constructed at the location. Police stated that the clash was not ethnically motivated and they arrested 10 participants in the incident for hooliganism and intentionally inflicting injuries.

On November 6, local authorities ordered the removal of all Crimean Tatar structures on the Ay-Petri plateau in Crimea despite a court order to remove only one illegal building. This led to violent clashes between Crimean Tatars and police, resulting in the arrest of dozens of Crimean Tatars and hospitalization of others, including one Crimean Tatar man hospitalized with a gunshot wound. The investigation was ongoing at year's end.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that neighboring countries accept them as minorities. On March 7, the Zakarpattia Oblast council adopted a decision declaring Rusyns a local ethnic group. In June Human Rights Commissioner Karpachova petitioned the prime minister to add Rusyns to the register of ethnic groups.

Other Societal Abuses and Discrimination

According to assessments by the World Health Organization and the Joint United Nations Program on HIV/AIDS, the country remains one of the most HIV/AIDS affected in Europe with an estimated infection rate of 1.4 percent of the adult population. Persons with HIV/AIDS faced widespread discrimination and lack of access to treatment. Although the country's national AIDS law incorporates rights protections for persons with HIV/AIDS, implementation remained weak. Persons with HIV/AIDS continued to face discrimination in the workplace; job loss without legal recourse; harassment by law enforcement, prosecutorial, and judicial authorities; and social isolation and stigmatization within their communities. In June then Minister of Education Stanislav Nikolayenko said in a televised statement said that HIV-positive children should not be allowed to attend school with healthy children, a statement he later modified in response to criticism.

Gay and lesbian rights organization Nash Mir (Our World) expressed concern about ongoing discrimination and characterized the attitudes of political and religious leaders as indifferent or even outright hostile towards the gay community. For example in February**,** Leonid Hrach, then chairman of the Verkhovna Rada Committee on Human Rights, National Minorities, and International Relations, publicly stated "the state must protect society against evil, from violence, including such evil as homosexuality." Other issues 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 prevention of HIV/AIDS.

A gay student expelled from the Interregional Academy of Personnel Management (MAUP) in 2005 won a lawsuit against the school, which then offered him readmission.

Incitement to Acts of Discrimination

According to Roma advocacy groups, several government publications portrayed Roma as criminals. The Romani Congress of Ukraine also noted *Osnovy Zdorovya*, a fourth grade health textbook recommended by the Ministry of Science and still in use although it included illustrations depicting negative Roma stereotypes.

The Crimean government continued to permit schools to use textbooks that contained inflammatory and historically inaccurate material about Tatar Muslims despite government promises to address their concerns. Human rights activists specifically noted that two textbooks for fifth-grade students, Viktor Misan's *Stories on the History of Ukraine,* and A.K. Shchvidko's eighth-grade textbook, *History of Ukraine, 16-18th Centuries,* depicted Muslims in a negative light.

In July Chairman of the Committee for Monitoring of Freedom of Speech in Crimea, Volodymyr Prytula, criticized the MOI's public information center in Crimea for its periodic crime reports, which he claimed incited ethnic hatred. In October 2006, then member of the parliamentary human rights committee Refat Chubarov accused the ministry's public information center of bias against Crimean Tatars for disseminating anti-Tatar material. As an example, he mentioned an article, entitled "Invaded the Lands; Time to Send Slaves?" about a group of Crimean Tatars who had been keeping slaves, that was authored by then editor-in-chief of the Crimean MOI's office weekly *From the Crime Scene* and which appeared in privately-owned *Krymskaya Pravda* newspaper in September 2006.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers to join unions to defend professional, social, and economic interests, and this right was generally respected in practice. Large companies and some local government officials continued to resist the formation of unions.

Under the 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 this registration requirement as "a restriction unacceptable by international labor standards."

In order to acquire national status, which allows a union to negotiate and sign agreements directly with government ministries and to communicate officially with the Cabinet of Ministers and president, a union must either have branches in more than half of the country's administrative regions or have branches in more than half of the administrative regions where the enterprises of this sector are located. The law stipulates noninterference by public authorities in the activities of unions, which have the right to establish and join federations on a voluntary basis.

Unions affiliated with the FPU are considered "official," whereas unions not affiliated with the state federation are considered "independent." All unions affiliated with the FPU, as well as several new, independent labor unions, were registered. While the FPU supported protests in some professions over unpaid wages, most FPU affiliates worked closely with management. Enterprise managers were free to join the FPU. Independent unions provided an alternative to the official unions in many sectors of the economy. As of September, there were 14 trade union associations and 107 national-level trade unions, 45 of which were FPU-affiliated, registered with the Ministry of Justice. The Confederation of Free Trade Unions of Ukraine (CFTU) reported that as of September, it had eight national-level unions registered and a membership of 257,000. While exact figures were unknown, there were estimated to be 2.3 million non–FPU union members and 10.2 million members of FPU–affiliated unions. These estimates were likely exaggerated, and the FPU believed that only 75 percent of registered affiliates actually operated in practice.

Independent unions continued to be denied a share of the former Soviet trade unions' huge property and financial holdings. These included the 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 claimed that the FPU improperly sold some Soviet-era assets in order to thwart their future distribution. The parliament in February established a temporary moratorium on the sale of property by the FPU to halt sales.

Independent trade union leaders complained that government representatives sought to influence union votes and pressure members to report on union activities. As of September, the CFTU reported 10 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, in conjunction with leaders of local FPU affiliates, pressured independent unions in most of these cases to disband.

In March the minister of education signed a collective agreement with the FPU-affiliated teachers' trade union, but refused to include the Free Trade Union of Education and Science Workers of Ukraine (VPONU), a CFTU affiliate, even though VPONU is registered with the Ministry of Justice. As a result, VPONU had no right to monitor whether the Ministry of Education was following the terms of the collective agreement. VPONU, through the CFTU, lodged a complaint with the ILO against the Ministry of Education and requested that Education International, the international teachers' trade union organization, intervene.

School teachers who formed an independent union at a school in Krasnoarmiysk, Donetsk Oblast faced strong pressure and intimidation from the local school board, elected public officials, and other unions to disband. At least two members left the new union as a result of the pressure, which reportedly included threats against teachers' family members employed at the local mine, the city's largest employer. The school principal who allowed the new union was fired. After attending an October 23 AFL-CIO Solidarity Center-organized seminar for municipal officials, one participant was summoned for questioning by the SBU and another faced harassment from the school board. On October 9, members of the old, FPU-affiliated teachers' union, with the help of a group of approximately 15 miners from the local FPU-affiliated miners' union, broke up a meeting between members of the new union and the executive director of the AFL-CIO's Solidarity Center.

Members of independent 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 union. There were also complaints that official, FPU-affiliated unions continued to deduct union dues from the salaries of workers who had chosen to leave the official union for an independent one.

In a well-publicized case, the head of an airline pilots union was fired by Aerosvit airlines in August after he complained that the company had violated its collective bargaining agreement. The union leader sued Aerosvit, with the support of the CFTU. The case was still pending in the courts at the end of the year.

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 problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. Although the law provides the right to collective bargaining, the manner in which the law was applied prejudiced the bargaining process against independent unions and favored official, FPU-affiliated unions. Collective bargaining agreements covered 90 percent of unionized employees in the formal sector, according to a 2005 World Bank study. Most workers were not informed that they were not obligated to join an official union. Renouncing membership in an official union and joining an independent union was bureaucratically onerous and typically discouraged by management. The law allows an independent union to be removed easily from the collective bargaining process at the enterprise level. Under the law, if several unions at an enterprise fail to agree on joint representation, the largest union, frequently the FPU, represents labor in the bargaining process.

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

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

Export-processing zones existed on paper but were dormant, since their tax and customs privileges were abolished by the government in 2005.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, however, there were reports that women, men, and children were trafficked for labor and sexual exploitation.

There were continued media reports of alternative service military conscripts being used as compulsory labor in the construction and refurbishing of private houses for military and government officials.

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 legal minimum age for employment in most areas of the economy is 16, but enterprises in certain non-hazardous industries may negotiate with the government to hire employees as young as 15 with the consent of one parent. Children aged 14 can legally work on a short–term basis for social services, such as orphanages, hospitals, and elder care and in the agricultural sector with the consent of one parent.

The State Labor Inspectorate and the State Department for Monitoring Enforcement of Labor Legislation, which is part of the Ministry of Labor and Social Policy, are responsible for enforcing child labor laws in the formal sector. The Department of Juvenile Affairs within the Ministry of Family, Youth, and Sport and the Criminal Police on Juvenile Affairs within the MOI 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.

Children were found working primarily in agriculture, coal mining, trade at open air markets, services, manufacturing, and construction. Trafficking of children for the purpose of forced labor and sexual exploitation was a problem. A December 2006 study by the ILO and Federation of Employers of Ukraine found that over 456,000 children aged nine to 14 were employed illegally.

Enforcement measures were often inadequate to deter violations. 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.

e. Acceptable Conditions of Work

The government increased the monthly minimum wage in October to $90 (460 hryvnia). 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 thoroughly monitor all employers. Many workers, particularly in the informal sector, received far below the minimum wage.

Wage arrears decreased in the run-up to September elections and, as of August 1, stood at $160 million (802.5 million hryvnia). Most arrearages accumulated in state-run industry and agriculture.

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 amount 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 frequently were ignored in practice. Lax safety standards and aging equipment caused many injuries on the job. During the year, there were 18,192 workplace injuries reported, including 1,176 job–related fatalities.

Illegal coal mines connected to organized crime and corrupt managers were particularly unsafe. The number of miners reported injured in the coal sector during the year was 6,567, including 268 fatalities. One major accident at the Zasyadko mine in the eastern part of the country in November resulted in the death of 101 miners. In the coal mining sector, official statistics indicated that there were approximately 3.47 deaths for every million tons of raw coal extracted in the year, up from 2.72 in 2006 and 2.60 in 2005.

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

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