

Ukraine

Country:

Ukraine

Year:

2016

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

61

Freedom Rating:

3.0

Overview:

Conditions in Ukraine stabilized somewhat in 2015 compared with the previous year, which included the Euromaidan protests, the downfall of President Viktor Yanukovich, Russia's occupation of Crimea and invasion of the Donbas, and presidential and parliamentary elections. With Crimea still held by Russia and continued fighting between government forces and Russian-backed separatists in eastern Ukraine, President Petro Poroshenko's top priority was restoring the country's territorial integrity and peace within its borders.

The leaders of Ukraine, Russia, France, and Germany agreed in February to the so-called Minsk II accord, which called for a cease-fire, withdrawal of heavy weapons from the front, release of hostages and detainees, changes in the Ukrainian constitution to give more autonomy to the regions, legislation on special status for parts of the Donbas regions of Donetsk and Luhansk, withdrawal of foreign forces from Ukraine, and restored Ukrainian government control over the eastern border by the end of 2015. Low-intensity combat, albeit with numerous fatalities, continued along the line of contact until early October, when Russia turned its attention to a military intervention in Syria.

By the end of 2015, at least 9,000 people had been killed and more than 20,000 injured in the conflict in eastern Ukraine. The fighting also displaced more than two million people, and the government has struggled to meet the humanitarian needs of those displaced within Ukraine. The 3.5 million people who live in the occupied Donbas territories are effectively dependent on Russia; those still receiving Ukrainian pensions in 2015 had to travel to government-held areas to collect them. The occupied area, which once comprised 15 percent of Ukraine's economy, had lost more than 60 percent of its former economic activity by year's end, and various pro-Russian militias and organized crime groups had seized or looted key economic assets. The media in the area remained under the tight control of the de facto authorities.

The debate over constitutional amendments allowing decentralization shaped Ukrainian politics for much of 2015. Although supporters of decentralization hoped to shift power and financing to local governments so as to bring state services and authority closer to the people, the issue was entangled with Moscow's demand that the Ukrainian government grant significant autonomy to the separatist territories—the self-styled Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR). This connection made it difficult to proceed with decentralization reforms without running afoul of Ukrainians who opposed concessions to Russia, in addition to regional authorities who resisted losing power and resources to subregional entities.

In March, in keeping with the Minsk II accord, the parliament adopted legislation giving special status to the separatist-held areas, to take effect after Russian troops are withdrawn and elections are held under Ukrainian law. When legislators granted initial approval in August to constitutional amendments on decentralization, including a provision allowing the special-status law, a Ukrainian nationalist from the Svoboda party threw a hand grenade that killed three members of the National Guard of Ukraine outside the parliament building. The controversial vote undermined the governing coalition, with the Radical Party withdrawing to join the opposition. A second and final vote on the amendments, scheduled for December and requiring a two-thirds majority, did not take place by year's end.

Beyond the Donbas issue, critics of the decentralization amendments objected to a provision that gave the president and his appointed regional prefects the ability to overrule and even disband local councils. The president currently appoints regional governors, but they cannot disband councils. The process of amalgamating Ukraine's 11,000 villages and other primary-level municipalities (*hromady*) into about 1,500 larger, more manageable units proceeded slowly under separate legislation, and only 159 were ready to participate in the October 2015 local elections. Under pressure from the Kremlin, the DNR and LNR postponed their own local elections until March 2016. They had threatened to hold the votes in the fall without Ukrainian government oversight, in violation of the Minsk II accord.

Meanwhile, Ukraine continued to pursue greater integration with Europe. A free-trade agreement with the European Union (EU) was set to take effect at the beginning of 2016, and much of Ukraine's previous trade with Russia has been cut off by tit-for-tat sanctions between the two countries. However, obstacles to further integration include stalled anticorruption reforms and the activities of armed militia groups.

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Crimea, which is examined in a separate report.

Political Rights and Civil Liberties:

Political Rights: 25 / 40 [Key]

A. Electoral Process: 9 / 12

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

Yanukovich in 2010 had overseen the restoration of the 1996 constitution, which featured a dominant presidency, but a 386–0 vote by the parliament in February 2014 reversed that move,

reviving the 2004 charter. The latter, the product of a compromise during the Orange Revolution, had shifted power to the prime minister and cabinet and made them responsible to the parliament, though the president retained control over the foreign and defense ministers and the head of the security service. This division of power had led to infighting between the president and prime minister between 2004 and 2010, and similar rifts began to emerge in 2015.

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

Parliamentary by-elections in Chernihiv in July 2015 were marred by flagrant vote buying as Poroshenko vied for control against the powerful businessman—or “oligarch”—Ihor Kolomoysky. Poroshenko's candidate prevailed.

In October 2015, Ukraine held elections for more than 10,000 mayors and 155,970 local, district, and regional council members, with 132 political parties participating. Turnout was 46.6 percent. Petro Poroshenko's Bloc and its allies won more than 16,500 seats, while former prime minister Yuliya Tymoshenko's Fatherland party placed second with over 8,000 seats. The Opposition Bloc, a successor to Yanukovich's Party of Regions, did well in some of the eastern and southern regions, taking over 4,000 seats. Oligarchs like Kolomoysky funded many of the parties, benefiting from a lack of effective campaign-finance laws and poor implementation of those that existed. A number of parties sought to attract votes with gifts of food and money. The Organization for Security and Cooperation in Europe described the influence of business groups as a primary concern, among other problems, though it generally found the elections to be competitive and well organized. The electoral laws did not allow for internally displaced persons to vote outside their home municipalities.

B. Political Pluralism and Participation: 10 / 16

Since the fall of Yanukovich, Ukraine's political party system has experienced extreme volatility. With court approval in December 2015, the Justice Ministry banned the Communist Party; it had been accused of supporting the pro-Russian separatists, and refused to comply with May legislation prohibiting Soviet or Nazi symbols. Other older parties have all but disappeared, while a variety of new groups have formed and won important offices. Such instability can be attributed in part to the fact that the country's parties are typically little more than vehicles for their leaders and financial backers, and they generally lack coherent ideologies or policy platforms. In 2015, the president, the prime minister, a former prime minister, the Kyiv mayor, the Lviv mayor, and numerous other leaders all had their own parties. The most dramatic collapse during the year was that of Yatsenyuk's People's Front, which won 22 percent in the 2014 parliamentary elections but polled only around 2 percent ahead of the 2015 local elections; it decided to compete in a bloc with Poroshenko's and Kyiv mayor Vitaliy Klychko's parties to avoid a humiliating defeat on its own.

In late October, the authorities detained Hennadiy Korban—the head of an opposition party, Ukrainian Association of Patriots (UKROP), that was established in June and affiliated with Kolomoysky—on suspicion of kidnapping, embezzlement, and ties to organized crime. Observers

raised concerns that the action was politically motivated. The government said the arrest was part of its effort to combat corruption and “restore order” in the country.

In an attempt to improve transparency in the political process, the president in October signed a law providing for the public financing of parties that secure at least 2 percent of the national vote and requiring parties to disclose the sources of their funding. Implementation is scheduled to begin in July 2016.

Russia maintained a powerful influence over the course of Ukrainian political life through its occupation of Crimea, involvement in the fighting in the east, imposition of economic sanctions on the rest of the country, and manipulation of the price Ukraine pays for natural gas.

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

C. Functioning of Government: 6 / 12

Aside from the conflict in the east, the main obstacle to effective governance in Ukraine is corruption, and the vast majority of citizens were deeply disappointed with the government’s slow progress in combating it during 2015.

In April, the government sharply reduced energy subsidies, aiming to remove distortions in the market that had drained state coffers and fostered corruption. Among other measures during the year, new traffic police forces were introduced in Kyiv, Lviv, Odesa, and other cities—a popular change that in many places reportedly ended the scourge of street-level officers seeking bribes, though the new officers represented only a small fraction of the country’s overall police force.

Much remains to be done. No major figures have been arrested, and the government has recovered almost none of the billions of dollars in assets that were allegedly looted under previous administrations. Critics—including former Georgian president Mikheil Saakashvili, who was appointed governor of Odesa in May—claim that there is a “shadow government” that allows powerful insiders to take advantage of the system for personal gain. Oligarchs continue to exert considerable influence over Ukrainian life through their control of some 70 percent of the economy, much of the media, and the financing of political parties. In March 2015, after attempting to assert control over the country’s main oil company, Kolomoysky was dismissed from the governorship of Dnipropetrovsk by Poroshenko. However, the tycoon continued to influence politics through his support for election financing, his personal television network, armed battalions that are nominally loyal to the state, and other means. Political parties use their positions in the parliament to control lucrative state companies.

Another key problem is pervasive corruption among Ukraine’s prosecutors and judges. Poroshenko resisted numerous calls to replace Prosecutor General Viktor Shokin during 2015, and reformers such as Deputy Prosecutor General David Sakvarelidze complained that many prosecutors block efforts to fight corruption. Although the parliament adopted a lustration law in 2014, it has not been used against prosecutors and judges.

A package of anticorruption legislation adopted in 2014 is being implemented slowly. The reforms set up a National Anticorruption Bureau (NABU) to investigate corrupt officials, called for a National Agency for Corruption Prevention (NACP), and sought to establish a separate anticorruption section within the prosecutor general’s office. Artem Sytnyk was appointed to lead the NABU in April 2015, and Shokin appointed Nazar Kholodnytsky as the new anticorruption prosecutor in November,

though it remained to be seen how effective either official would be, particularly without reforms in the prosecutor's office and judiciary. Nongovernmental organizations (NGOs) focused on combating corruption complained in June that they were not properly included in the process of choosing the new leaders of the NACP as required by law. In December, Poroshenko signed a law creating an additional agency to deal with the assets of corrupt officials, potentially exacerbating the problem of overlapping authorities in the fight against graft.

Civil Liberties: 36 / 60 (-1)

D. Freedom of Expression and Belief: 11 / 16

The constitution guarantees freedoms of speech and expression, and libel is not a criminal offense. The media landscape features considerable pluralism and open criticism of the government. However, business magnates with varying political interests own and influence many outlets. Poroshenko owns the television network Fifth Channel and has rebuffed press freedom groups' calls to sell it. Among other key media owners are Kolomoysky (1+1), Dmytro Firtash (Inter), Rinat Akhmetov (Ukraine), Viktor Pinchuk (Novy Kanal, STB, ICTV), and Andriy Podshchypkov, whose cable and satellite broadcaster 112 Ukraine is often critical of Poroshenko. In August 2014, the Interior Ministry banned the broadcast of over a dozen Russian channels, arguing that the country's information space had to be protected from Russia's "propaganda of war and violence." Under a law signed in April 2015, which amended 2014 legislation on the same topic, Ukraine's national and regional state-owned broadcasters were transferred to a new public-service broadcasting corporation, with a supervisory council on which civil society representatives would hold a majority.

Several incidents during the year presented threats to media freedom, particularly in the context of tensions with Russia. News photographer Serhiy Nikolayev was killed while covering fighting in the east in February, and Oles Buzyna, a journalist with strong pro-Russian views, was murdered in Kyiv in April. A broadly worded law adopted in May criminalized praise for and banned symbols of the Soviet and Nazi regimes. In September, Poroshenko banned more than 38 international journalists and bloggers from Ukraine, citing security reasons. Also that month, 1+1 suspended a talk show shortly before it was to air an appearance by a political opponent of Poroshenko.

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

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

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

E. Associational and Organizational Rights: 9 / 12

The constitution guarantees the right to peaceful assembly but requires organizers to give the authorities advance notice of any demonstrations. While officials generally create an open environment for public gatherings in practice, Ukraine lacks a law governing the conduct of

demonstrations and specifically providing for freedom of assembly. Moreover, threats and violence by nonstate actors sometimes prevent certain groups from holding events, particularly those advocating equal rights for LGBT (lesbian, gay, bisexual, and transgender) people.

Civil society has flourished since 2014, as civic groups with a variety of social, political, cultural, and economic agendas have emerged or become reinvigorated. Trade unions function in the country, but strikes and worker protests are infrequent. Factory owners are still able to pressure their workers to vote according to the owners' preferences.

F. Rule of Law: 6 / 16

Ukraine has long suffered from politicized courts, and judges were subject to intense political pressure under Yanukovych. An April 2014 judicial reform law sought to weaken the top-down power of court chairmen, who assign cases to specific judges and often make decisions about judges' salaries and other work conditions. The chairmen, in turn, reputedly take orders from powerful politicians. While the new law removed all chairmen from office and allowed judges to elect new ones, the former incumbents often managed to return to their jobs, reportedly using bribery and other illicit methods. In many cases, no one dared to run against the former chairmen, apparently fearing the repercussions of a failed attempt to unseat them. Separately, many of the prosecutors appointed under Yanukovych remain in office. Despite these reforms, Poroshenko has been unwilling to give up his control of the judicial branch. The senior prosecutors and law enforcement officials he has appointed are frequent targets of criticism for failing to arrest high-level suspects on corruption charges.

Due to the ongoing fighting in eastern Ukraine, substantial parts of the population face extensive violence—including inaccurate shelling by both sides. In 2014, given the collapse of the military following more the 20 years of neglect, Ukraine had to rely on independent volunteer groups to defend the country. These groups are now formally subordinate to Ukrainian state institutions, though their loyalty remains in doubt, as some are still funded by oligarchs or other outside forces. Certain groups have also been accused of criminal activity. In July 2015, members of the Right Sector militia involved in smuggling on Ukraine's western border engaged in a shootout with local police in Mukacheve, leaving at least three people dead. The incident was seen as a direct challenge to the Kyiv government, which quickly replaced the regional leadership.

Although the national government has generally protected the legal rights of minority groups, the Romany population continues to suffer from discrimination. The LGBT community also faces bias and hostility in Ukraine. Right-wing groups attacked an LGBT equality march in Kyiv in June despite police protection, causing a number of injuries, and an Odesa court banned an LGBT event in August due to the threat of violence. In a small victory, under pressure from the EU, the parliament amended the labor code in November to ban discrimination on the basis of sexual orientation or gender identity.

G. Personal Autonomy and Individual Rights: 10 / 16 (-1)

The ongoing conflict with Russian-backed separatists in the east has displaced many residents from their homes and hampered freedom of movement within the country. The separatist-controlled territories are largely lawless, with armed groups controlling public buildings and looting local businesses for supplies. Numerous reports indicate that separatist commanders force local residents to perform menial tasks.

In the rest of Ukraine, small and medium-sized businesses continue to suffer at the hands of corrupt bureaucrats, tax collectors, and corporate raiders.

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

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

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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