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## Ukraine

A November presidential election that was neither free nor fair plummeted Ukraine into its deepest political crisis since gaining independence in 1991. At this writing the two leading candidates, Prime Minister Viktor Yanukovich and opposition candidate Viktor Yushchenko, had both claimed victory. Hundreds of thousands of protesters had occupied the streets of Kiev, and parliament had adopted a vote of no confidence in Yanukovich. Initiatives in several regions in eastern Ukraine to seek autonomy should the opposition candidate win the presidency had raised concern of a possible break-up of the country. While the Ukrainian political elite, together with foreign mediators, were looking hard for a way out of the crisis, the danger of the situation turning violent remained very real. To their credit, the authorities had to date not cracked down on demonstrators.

On December 3, 2004, the Supreme Court, citing allegations of widespread fraud in the vote, ruled that new elections had to be held by December 26.

The crisis, however, was entirely preventable. Its roots lay in the government's persistent violations of basic human rights norms, and political freedoms in particular. For years, under the leadership of President Kuchma, the government imposed ever stricter controls on media coverage, repeatedly sought to manipulate electoral processes, and ignored widespread popular discontent. By doing so, it has undermined legitimate avenues for people to express their grievances in a meaningful way. The government's blatant attempts to manipulate the presidential vote in favor of Prime Minister Viktor Yanukovich—notwithstanding a clear popular preference for opposition candidate Viktor Yushchenko—served to convince many Ukrainians that mass street protests are their only hope of being heard.

The Ukrainian government has a poor track record on press freedom. The government or individuals close to the president own most major media outlets, including almost all television stations. It blatantly uses its sway over these media to influence their coverage of the news, in part by issuing instructions to news editors, sometimes in writing, detailing what news stories should be covered and how. As a result, the government has received a disproportionate amount of positive coverage in most media, while opposition parties and figures have struggled to have their voices heard. Under international pressure, the authorities have taken some steps to address press freedom problems—most notably by adopting a law defining censorship and criminalizing government interference with the press. But the government's continued manipulation of the media strongly suggests that these were not genuine attempts to ensure a free press.

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The independent—and often opposition minded—media consists primarily of newspapers and internet publication that have a small readership. Yet, attacks on independent journalists have been frequent and President Kuchma was personally implicated in the worst one: the disappearance and murder of opposition journalist Georgiy Gongadze. In 2000, a former presidential body guard made public hours of secretly taped conversations between Kuchma and his inner circle. On one of the tapes, Kuchma appeared to order Gongadze's murder. The president has denied involvement in the murder but to date his administration has hindered a full investigation. In 2004, there were repeated attacks on opposition journalists. In June, Ichvan Kotsanik, a cameraman for an opposition-linked television station, was beaten into a coma and died several days later. It remains unclear who was behind the attack.

In the run-up to the presidential elections, the authorities made extensive use of their administrative resources and the media under their control to promote their favored candidate, Viktor Yanukovich. In August, the Committee of Voters of Ukraine, a nongovernmental watchdog group, stated in a report that government funds were being used to support Yanukovich's candidacy, and that local officials had forced state employees, such as teachers, to take part in pro-Yanukovich rallies. As in previous elections, political opponents have faced harassment and intimidation. Several months prior to the elections, Viktor Yushchenko suddenly fell ill after what he called an attempt by the authorities to poison him. The authorities have denied the charge and the hospital that treated Yushchenko has not confirmed that he was poisoned.

### ***Entrenched Human Rights Problems***

Ukraine has been plagued by numerous human rights problems that require a structural approach on the part of the government. While it has begun to act on some of these issues, many remain unaddressed.

Torture and ill-treatment continues to be a significant problem in police detention and prisons in Ukraine. Ukraine's human rights ombudsman receives numerous complaints of torture from criminal suspects and estimates that 30 percent of all detainees may become victims of torture or ill-treatment by law enforcement agents. Ill-treatment has resulted in permanent physical damage to many victims, and in the most severe cases, resulted in death. In the vast majority of cases, the perpetrators of torture are not investigated or prosecuted for their crimes. Prison conditions in Ukraine continue to be poor. Prisons are overcrowded, and prisoners have insufficient access to food and health care. As in many other former-Soviet nations, tuberculosis is widespread in prisons.

Ukraine has one of the fastest growing HIV/AIDS epidemics in the world, and human rights violations are fueling its growth. Widespread discrimination against members of high risk groups— injection drug users, sex workers, and men who have sex with men—prevents people from seeking preventative health services and thus increases their risk of contracting HIV. There is also a history of discrimination against people infected with HIV. Although the government has made a commitment to fighting the spread of HIV/AIDS and plans to distribute generic antiretroviral drugs, these steps alone are insufficient to stem the epidemic.

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Ukraine has recently legalized the use of methadone, widely regarded as the single most effective means of treating opiate dependency. Although the medical and public health establishment has been generally supportive, resistance to methadone by Ukrainian law enforcement bodies have so far prevented its use. One critically important outcome of this situation is that many drug users living with HIV will not benefit from expanding access to antiretroviral (ARV) therapy, as they will be barred from receiving the major tool necessary to support treatment adherence.

Women face severe discrimination in Ukraine's workforce. Men hold a disproportionate number of managerial positions and receive better pay than women in comparable jobs. Discrimination is especially prevalent in the job market, where women's access to high paying or high prestige jobs is limited in both the public and private sectors due to discriminatory recruitment processes. Many women are forced into lower paying jobs or remain jobless—women make up 80 percent of the unemployed in Ukraine. Some women, frustrated by the lack of opportunities at home, seek employment outside Ukraine and become victims of trafficking into forced labor abroad, including forced sex work. Women are also victims of widespread domestic abuse.

Ukraine is both a transit point and a point of origin for human trafficking. Ukrainian women and girls are sent to the Middle East and other European countries and forced to be sex workers, while Ukrainian men are sent to other parts of Europe and North America for forced labor. Many victims of human trafficking from Moldova and Asian nations travel through Ukraine, on their way to countries where they will be exploited. The past year has seen an increase in the number of trafficked children, many of them orphans. The government of Ukraine has recently taken steps to reduce human trafficking using increased prosecution of suspected traffickers and programs to help victims. Despite this progress, however, Ukraine still does not meet international standards meant to fight trafficking, and the problem persists.

### ***Key International Actors***

The international community has closely monitored the presidential elections. With the exception of the monitors from the Commonwealth of Independent States, which is made up of twelve former Soviet States, international monitors found that the presidential vote had fallen short of international standards. The Organization for Security and Cooperation in Europe stated that the second round “did not meet a considerable number of [international] commitments for democratic elections.” The E.U., U.S., Council of Europe, and NATO have all expressed concern over widespread fraud and have urged a peaceful solution to the political crisis. The E.U. has strongly endorsed a new vote as the best way forward.