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Ukraine: Songs, "revolution" and human rights

Ukraine's entry for Eurovision Song Contest, taking place in the capital Kyiv, is inspired by the "Orange Revolution", the mass protest that was sparked by the flawed presidential elections in the country in late 2004. Viktor Yushchenko, who emerged as the victor from the rerun of the elections, came to power over 100 days ago with the promise to improve life in the country for everybody, including to safeguard their human rights. On the occasion of his inauguration on 23 January 2005 as President of Ukraine, Amnesty International's Secretary General Irene Khan brought to his attention a number of human rights concerns that the organization believes merit his immediate attention. Amnesty International urged the new administration to significantly improve the protection of human rights in Ukraine, including by bringing relevant legislation in line with the Constitution of Ukraine as well as with international human rights law and standards.

Three months later, on 3 May 2005, Amnesty International wrote again to the Ukrainian authorities, this time to the Minister of Justice, Roman Zvarich, regarding two cases of **torture and ill-treatment** and made some recommendations to help protect the rights of people in police custody in line with international human rights treaties to which Ukraine is a state party.

In early 2004, police officers from Simferopol on the Crimean Peninsula detained six people - three men and two women, one of them with her 18-month-old son - in connection with an attack against an individual which had occurred the previous year. The police treated the three men as suspects for the crime. They allegedly repeatedly beat and threatened them and forced them to sign confessions which they later withdrew. The three men were released without charge. One of them had to be admitted to hospital with injuries to his back and kidneys. The two women were questioned as witnesses and allegedly beaten. The 18-month-old boy, who was ill and had a high temperature at the time, was taken away from his mother to force her to testify against the three men. None of the detained people had access to a lawyer while they were in detention. All of them complained to the public prosecutor of the Simferopol region, but to Amnesty International's knowledge, no action has been taken to this day to investigate the allegations or to suspend the police officers involved in the ill-treatment.

In 2001, officers from Chernihiv city police station allegedly beat and tortured a family of three over the disputed ownership of a Bosch drill and the possession of a gas pistol. The father, son and mother were allegedly initially beaten by plain-clothes policemen in front of their neighbours in their home, and later, the father and son were allegedly tortured in the police station and threatened with rape. They were admitted to hospital for their injuries and were treated for concussion, a broken rib, cuts, bruises and a burst eardrum. They were subjected to this ordeal at the hands of the police to make them surrender "voluntarily" an item, not as evidence, but allegedly for gain. To Amnesty International's knowledge, to this date the Chernihiv police officers have not been brought to justice and the victims have not been offered compensation.

Both the UN Human Rights Committee and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) have found that Ukraine falls short in its obligations to prevent torture. Last December, the CPT published the report of its visit to Ukraine in 2002. This report repeated the conclusions of previous ones that "people deprived of their liberty by the police run a significant risk of being physically ill-treated at the time of their apprehension or while in custody".

During last year's presidential elections Amnesty International urged the then Minister of Internal Affairs to ensure that law enforcement officers fully respect the **rights to freedom of expression and assembly**, and the principle of proportionality of force. However, opposition supporters were detained and some protesters were ill-treated by police.

Members of the youth opposition organization "Pora" (It is time) were arbitrarily detained and harassed. Aleksander Tsitsenko, for example, was detained by masked police on 21 October in Kirovograd as he was collecting leaflets and stickers. He was released without charge on 25 October. Twenty-year-old Andriy Kulibaba was detained on 20 October in Vinnytsya and sentenced to 10 days in detention for "deliberate disobedience to police orders". The sentence was later reduced to a fine and he was released on 23 October.

Aleksander Pugach, aged 18, was detained in Vinnytsya on 21 October for refusing to give his name to the police, but was acquitted of that offence. Minutes later, as he stood on the steps of the courthouse, he was detained again for "hooliganism". All charges against all three men were subsequently dropped, but "Pora" members continued to be targeted prior to the elections.

The new Ukrainian President, Viktor Yushchenko, vowed in January 2005 to bring to justice those responsible for the **"disappearance" in September 2000 of investigative journalist Georgiy Gongadze**. On 2 March, the Prosecutor General announced that the murder had been solved and that two suspects had been detained, and that "colonels and generals" in the police and intelligence service were behind the murder. By 4 April the two suspects had allegedly confessed. However, progress has slowed recently, and on 19 April Parliament was not presented with the report of the Commission investigating the murder, allegedly on the order of President Yushchenko.

Amnesty International has also raised its concerns with the authorities in Ukraine regarding:

Refugees

In June 2004, the Parliamentary Assembly of the Council of Europe recommended that Ukraine observe the fundamental principles of international law concerning the protection of refugees and asylum-seekers, and show commitment and political will in tackling the problems of migration. Refugee law in Ukraine breaches international standards by imposing a strict time limit of between three and five days after arrival during which asylum-seekers may submit applications.

Violence against women

Turkey and Russia continue to be the main destination countries for most of the women and girls trafficked from Ukraine for sexual exploitation. The government has taken steps to address the problem and prosecutions increased after Article 149 of the Criminal Code -- which establishes trafficking as an offence -- was introduced in 1998. However, conviction rates remain low. Judges often lack experience of the issue and witness protection is rarely offered to trafficked women and girls. Although a special department was established within the Ministry of the Interior to deal with trafficking, law enforcement officers often lack resources and training.

Discrimination

Anti-Semitic and racist attacks were reported in various parts of Ukraine. Members of the Jewish community in Donetsk, for example, reported a dramatic increase in anti-Semitic acts in 2004. Police continued to deny that attacks on Jewish cemeteries and places of worship were racially motivated. In

Odessa attacks on foreign nationals, particularly those from Africa, increased; many were attributed to "skinhead" gangs.

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