



Ukraine – Researched and compiled by the Refugee Documentation Centre of Ireland on 8 November 2012

Information on the general political situation in Ukraine.

A Eurasia Daily Monitor article states:

“Ukraine will be at a crossroads after the parliamentary election scheduled for October 28. There are signs that this election will not be as free and fair as the previous elections in 2006 and 2007, as the ruling Party of Regions (PRU) has not resisted the temptation to abuse the vast administrative resources under its control. If the West does not recognize the election as honest, US and EU sanctions are likely to follow, the European Union will not sign the association and free trade agreement, which was initialed earlier this year, and Ukraine may be sucked back into Russia’s orbit.” (Eurasia Daily Monitor Volume: 9 Issue: 186 (12 October 2012) *West Fears Ukrainian Election Will Not Be Democratic*)

A report from the Organization for Security and Cooperation in Europe (OSCE) on the recent elections in Ukraine, in a section titled “Background”, states:

“Since the last parliamentary elections in 2007, the political landscape has shifted considerably. The Party of Regions candidate Viktor Yanukovich won the January 2010 presidential election, and the party subsequently formed a governing coalition with the Communist Party and the Lytvyn Bloc. The Party of Regions was also victorious overall in local and regional elections in October 2010, giving it considerable power at all levels. The main opposition parties were United Opposition–Batkivschyna (Motherland) and the non-parliamentary parties Ukrainian Democratic Alliance for Reform (UDAR) and Svoboda (Freedom). Another non-parliamentary party, ‘Ukraine Forward!’, presented itself as between the opposition and the ruling party.” (Organization for Security and Cooperation in Europe (OSCE) (29 October 2012) *Ukraine — Parliamentary Elections, 28 October 2012: Statement of Preliminary Findings and Conclusions*, p.3)

A report from the International Federation for Human Rights (FIDH), in a section titled “Political context”, states:

“The February 2010 presidential election put an end to the political turmoil that affected Ukraine in recent years. Yet, the first year of the presidency of Mr. Viktor Yanukovich, leader of the Party of Regions, was marked by severe restrictions on democratic freedoms and civil liberties as upon taking office, Mr. Yanukovich ensured strengthened presidential control over the legislature, the police, the judiciary, the Security Services of Ukraine (SBU), the Public Prosecutor’s office and local administrations. In addition, in December 2010, several members of the former Government were arrested and accused of ‘abuse of power’ ” (International Federation for Human Rights

(FIDH) (25 October 2011) *Steadfast in Protest - Annual Report 2011 – Ukraine*)

The 2012 Human Rights Watch report on Ukraine, in a section titled “Rule of Law”, states:

“In 2011 several ministers who served under former President Yushchenko were tried on criminal charges of ‘abuse of office’ as part of President Viktor Yanukovich’s anti-corruption campaign. In October a Ukrainian court convicted and sentenced Tymoshenko to seven years imprisonment for signing a gas contract with Russia allegedly without approval from the Cabinet of Ministers. The contract significantly increased the price of natural gas. Other officials facing prosecution include former acting Minister of Defense Valeriy Ivashchenko, former Interior Minister Yuri Lutsenko, and former First Deputy Justice Minister Yevhen Korniychuk, some of whom are also prominent opposition leaders. The EU, United States, and Russia expressed concern that the allegations against the former officials did not constitute crimes and that the charges are politically motivated. Although international observers declared the 2010 presidential elections generally in accordance with international standards, OPORA, an independent NGO, reported procedural violations in the November 2010 local elections.” (Human Rights Watch (22 January 2012) *World Report 2012: Ukraine*)

The Introduction to a Council of Europe report, in paragraphs 1-4, states:

“The Parliamentary Assembly last debated the functioning of democratic Institutions in Ukraine in the wake of the presidential election of January 2010 – and the subsequent change of power – when it adopted, on 20 October 2010, Resolution 1755 (2010). Since then, we have been visiting the country regularly to keep abreast of political developments in Ukraine, with the initial intention of producing a full report on the honouring of commitments and obligations by Ukraine early in 2011. However, since the adoption of Resolution 1755 (2010), there have been ongoing reports and allegations that personal freedoms and democratic rights are increasingly being flouted in the country. Regrettably, this seems to be a continuation of a trend we already commented upon in our last report when we expressed our concerns about reports and allegations that democratic freedoms and rights had come under pressure in Ukraine. The allegations of a diminishing respect for personal rights and democratic freedoms in Ukraine have been compounded by the trials against a number of former government officials, including former Prime Minister Yulia Tymoshenko. These trials have been branded as politically motivated and as revanchist prosecution by opposition supporters and raise a number of questions about selective justice and the criminalisation of political decisions. The trials against former government members were observed by several national and international observers. Their findings clearly showed that these trials were marred by numerous serious shortcomings resulting from deficiencies in the criminal justice system. The problems with the judiciary and with the justice system in Ukraine have been highlighted in several monitoring reports of the Assembly and resolving these deficiencies is part of Ukraine’s accession commitments to the Council of Europe. However, to date, none of the country’s successive governments have made any serious progress in addressing these shortcomings.” (Council of Europe: Parliamentary Assembly (9 January 2012) *The functioning of democratic institutions in Ukraine*, p.5)

The 2012 Freedom House report on Ukraine, in a section titled "Overview", states:

"During 2011, President Viktor Yanukovich's administration systematically sought to eliminate opposition to the ruling Party of the Regions. Former prime minister Yuliya Tymoshenko, Yanukovich's main political opponent, was convicted of abuse of power in October and jailed. In addition, the authorities increased restrictions on peaceful assembly, media outlets, opposition organizations, and private businesses. A number of political prisoners remained behind bars, and there were increased reports of police torture and the use of psychiatry for political repression. The government revised the electoral law to improve its chances in the 2012 parliamentary elections, while rampant corruption gave incumbents a strong incentive to retain power and avoid possible prosecution by their successors." (Freedom House (22 March 2012) *Freedom in the World 2012 – Ukraine*)

A Eurasia Daily Monitor article states:

"A clash of civilizations exists between Ukraine's neo-Soviet administration and the EU and US. In his televised February 24 interview, Yanukovich said that after Tymoshenko was imprisoned he never expected such 'noise from any European country or the USA.' Yanukovich continued: 'I did not expect that they would give us demands'. Yanukovich's MFA and foreign policy advisers are obviously completely unknowledgeable about international affairs and the process of adapting to EU requirements in the process of European integration. Worse still, as former US Ambassador to Ukraine Steven Pifer suggests, Yanukovich and the MFA believed Ukraine was as strategically important to the West as Russia and that human rights infringements could be ignored. They were wrong on every count. Western policymakers, including seasoned diplomats, find it very difficult to comprehend Soviet newspeak – saying one thing and doing another. Here is therefore a word of advice: when Yanukovich says he wants free elections, think of Kuchma and understand he means the opposite." (Eurasia Daily Monitor Volume: 9 Issue: 46 (6 March 2012) *Ukraine Prepares for Elections with Putinization of Security Forces and Repression of Opposition*)

A Radio Free Europe/Radio Liberty report states:

"International election monitors have given a strongly negative assessment of Ukraine's parliamentary vote while ex-Prime Minister Yulia Tymoshenko has gone on hunger strike to protest the manner in which the poll was conducted. Speaking on October 29 at a press conference in Kyiv, Walburga Habsburg Douglas, the head of the short-term monitoring mission for the Organization for Security and Cooperation in Europe (OSCE), maintained that the vote had dealt a severe setback to Ukraine's democratic gains: 'Considering the abuse of power and the excessive role of money in this election, democratic progress appears to have reversed in Ukraine,' she said. Habsburg Douglas blamed ruling politicians for using administrative resources to influence the outcome of the vote. She also said the campaign was marked by biased media coverage and a lack of financial transparency. The Western monitoring groups, which included observer missions from NATO and the Parliamentary Assembly of the Council of Europe (PACE), noted relatively few irregularities on voting day. But monitors criticized the tabulation of the vote count, which

they said was conducted privately with no room for impartial oversight.”
(Radio Free Europe/Radio Liberty (29 October 2012) *OSCE Criticizes Ukraine Elections*)

The Organization for Security and Cooperation in Europe (OSCE) report referred to above, in a section titled “Preliminary Conclusions”, states:

“The 28 October parliamentary elections were characterized by the lack of a level playing field, caused primarily by the abuse of administrative resources, lack of transparency of campaign and party financing, and lack of balanced media coverage. Certain aspects of the pre-election period constituted a step backwards compared with recent national elections. Voters had a choice between distinct parties. Election day was calm and peaceful overall. Voting and counting were assessed mostly positively. Tabulation was assessed negatively as it lacked transparency.” (Organization for Security and Cooperation in Europe (OSCE) (29 October 2012) *Ukraine — Parliamentary Elections, 28 October 2012: Statement of Preliminary Findings and Conclusions*, p.1)

This section of the report also states:

“The campaign was visible and active overall, in particular in urban areas, and was competitive in most of the country. However, the ability of candidates to get their messages to voters and to compete under equal conditions, in accordance with paragraphs 7.6 and 7.7 of the 1990 OSCE Copenhagen Document, was negatively affected in a significant number of electoral districts due to harassment, intimidation and misuse of administrative resources. This misuse demonstrated the absence of a clear distinction between the State and the ruling party in some regions, contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document.” (ibid, p.2)

A release from the UK Foreign and Commonwealth Office quotes Minister for Europe David Lidington as follows:

"Ukraine's parliamentary elections were disappointing. Although voters were presented with a wide range of choices, International Election Observers found evidence that these choices were restricted through, for example, an unbalanced media environment, a lack of transparency in the way the final results were collated, and the absence of leading opposition candidates imprisoned as a result of unsoundly applied law." (UK Foreign and Commonwealth Office (30 October 2012) *Minister for Europe: Ukraine's parliamentary elections were disappointing*)

A BBC News report states:

“Ukraine's opposition parties are holding a rally in Kiev in protest at what they describe as ‘fraudulent’ parliamentary elections last month. The protesters say the much delayed vote-count is being rigged in favour of pro-government candidates. The authorities deny the claim, warning that police are ready to disperse the ‘illegitimate’ rally in the capital. International observers say the election was marred by “abuse of power and the excessive role of money”. The monitoring mission from the Organisation for Security and Co-operation in Europe (OSCE) say state resources were used to give the party of power an unfair advantage during the campaign, and note that President Viktor

Yanukovich's chief rival, former Prime Minister Yulia Tymoshenko, is in prison and was barred from running.” (BBC News (5 November 2012) *Ukraine election: Opposition rally against 'rigged' poll*)

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This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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