Human Rights and Democratization
Eastern Partnership Region

Yearbook

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Introduction

This Yearbook endeavours to provide an in depth overview of the human rights and democratization situation in the six countries in the European Union's Eastern Partnership Region: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Part One presents a brief introduction to the concepts of human rights and democratization from both a global and regional perspective and discusses the relationship between the two. Part Two consists of individual country reports on the human rights and democratization situations in each of the six Eastern Partnership countries. Part Three provides an analysis of the successes and challenges that face the EU's Eastern Partnership Initiative and its ability to protect and promote human rights and democratization in the region. Finally, Part Four offers a synopsis of the new EU Regional Master's Programme in Human Rights and Democratization in Armenia, Belarus, Moldova and Ukraine.

PART I

Human Rights and Democratization in Focus

Introduction to Human Rights

The modern concept of human rights was born out of the atrocities of the Holocaust during World War II. The horrific acts committed by the Nazis led to an outcry from the international community, calling for an effective mechanism for the protection of individual human rights. During the writing of the Charter of the United Nations, the respect for human rights and fundamental freedoms was laid down as one of the purposes of the UN. Shortly after the establishment of the UN, the newly created Commission on Human Rights was tasked with drafting 'an international bill of human rights.' This led to the creation of the Universal Declaration of Human Rights, which was adopted by the General Assembly of the UN in December 1948. Article 1 of the UDHR proclaims 'All human beings are born free and equal in dignity and rights.' The rights and freedoms listed in the UDHR would be written into binding law two decades later in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These three documents comprise the set of principles referred to as the 'International Bill of Human Rights' (IBHR).

Introduction to Democratization

The modern term democracy is derived from the ancient Greek 'δημοκρατία' (dçmokratía) which combines the words 'δῆμος' (dêmos) 'people' and 'κρατος' (kratos) 'power' to mean 'rule of the people'. Governing power in democracies can be derived by consensus, direct referendum, or by elected representatives but, no matter the form of democracy, the basic tenants remain the same: popular power, political equality and participation.

The world witnessed a dramatic transition in the late 1980s and early 1990s as the Communist Bloc in Eastern Europe and Central Asia crumbled. One by one, Soviet states began to declare their independence in rapid succession and the former communist states throughout the region began a tumultuous transition into democracy. This process is known as 'democratization' and has become a political subject of intense focus in the region.

The countries in the EU's Eastern Partnership Region have been undergoing reforms to meet the internationally accepted democratic standards of statehood since they acquired independence in the early 1990s. Despite these reforms, all six countries still face considerable challenges in solidifying fully functioning democratic governments. Authorities still violate the rights and freedoms of their citizens in numerous ways, from inhibiting their ability to freely modify their government, to restraining freedom of media and media diversity, to imposing restrictions on freedom of assembly and association. The continued need for reform in these countries is clear and action is imperative. As these violations imply, there is a strong interrelation between the weakness of democratic institutions and problems in the human rights sphere. This relationship, and its implications for the democratization process, is further discussed below.

The Relationship Between Human Rights and Democratization

The concepts of human rights and democracy share a respect for the dignity of the individual but have different and potentially conflicting theoretical foundations. Because democracy is a collective concept it has the ability to violate individual human rights. In addition, the interpretation of human rights is usually the domain

of judges who are not traditionally elected. Hence, respect for human rights can frequently require limitations on democracy. Courts do not guarantee the promotion of democracy and elected legislatures do not guarantee the protection of human rights. Despite these potential theoretical incompatibilities, any practical analysis of global democratization transitions will reveal that human rights and democracy share a symbiotic relationship with one another. The international community publically acknowledged this reality in the 1993 Vienna Declaration.

Section I, Paragraph 8 of the 1993 UN Vienna Declaration posits that:

'Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.'

The criteria that are often used to audit democracies do not expressly include the full set of rights as embodied in the International Bill of Rights but the realization of all these rights is essential for a healthy democracy. Civil and political rights are clearly at the heart of democratic theory. However, the interrelatedness of democracy and economic, social and cultural rights can be more difficult to articulate.

Economic and social rights play an implicit role in the strengthening of a democracy. For example, without the realization of the rights to education, adequate housing, food, and health, a democracy will inevitably fail to ensure political equality and robust participation.

An evaluation of the relationship between cultural rights and their relationship with democracy leads to the predictable problem of the inherent repression of minority cultures by the democratic majoritarian system. The prevalence and potency of this political quagmire in modern society has forced democracies to address this innate loophole with various minority management strategies such as consociational systems, federalism, bills of rights, etc. that help pave the way for a more mutually beneficial relationship in the future.

The survival of democracy is both dependent upon and supported by the pressures applied by human rights observance. However, while democracies empirically comply with the human rights doctrine better than other forms of government, they still frequently play the role of perpetrator. Therefore, it is essential for the democratization process in any country to include the advancement of respect for the full International Bill of Human Rights. Because of the essential symbiotic relationship between human rights and democratization any evaluation of one of these fields should necessarily include information relating to the other. For this reason, this Yearbook will appraise the situation of both human rights and democratization in each country report.

COUNTRY REPORTS

ARMENIA

Armenia's human rights and democratization record deteriorated considerably in the lead up to and fallout from the 2008 elections. While some monitoring organizations reported the elections as free and fair, other monitors reported blatant violations of democratization and human rights standards. Following the elections, monitors consistently reported grave violations of fundamental rights on a massive scale. The following country report begins with an overview of the situation of civil and political rights followed by a discussion of economic and social rights and a review of problems relating to discrimination, human trafficking and internally displaced persons who were removed from their homes as a result of the Nagorno Karabakh war with Azerbaijan in the early 1990s. Finally, this chapter culminates with an overview of the democratization process in Armenia.

Civil Rights

Torture and Inhuman Treatment

Reports of torture and inhuman treatment by police, prison officials and members of the military are numerous.

Criminal suspects are regularly subjected to beatings and degrading treatment by police during arrest, interrogation and detention. Torture and other physical abuse are often used to extract confessions or to coerce testimony aimed at incriminating members of the political opposition by, for example, intimidating them into testifying against government officials. Additionally, claims of torture or ill-treatment during arrest and interrogation are generally ignored during trial proceedings.

In response to protests over the 2008 presidential election, hundreds of opposition supporters were arrested. According to the Council of Europe's Committee for the Prevention of Torture, *'[p]ractically all the persons who had been detained by law enforcement officers on 1 March 2008 alleged that they had been physically ill-treated at the time of their apprehension, even though they apparently had not offered resistance.'*

There have also been reports of unlawful deaths while in police custody, which are generally blamed on factors other than police brutality. In 2008, Levon Gulian died as a result of injuries sustained from a fall from the second floor of a police station, after being taken into custody as a witness to a homicide. The police claimed he jumped from the second floor window in an escape attempt. However, the subsequent investigation was terminated and no definitive cause of death was determined. Both the victim's family and several human rights NGOs claimed that Gulian had been killed while in custody. In 2010, Vahan Khalafian died as a result of knife wounds after being arrested on suspicion of robbery. The police claimed that the wounds were self-inflicted.

During a 2010 visit, the UN Working Group on Arbitrary Detention reported many instances of detainees and prisoners who alleged beatings and other ill-treatment while in custody. One example of such misconduct is the 2010 European Court of Human Rights case of *Harutyanyan v. Armenia*. While in prison, the plaintiff, Ashot Harutyanyan, died of a heart attack. The court determined that the authorities had denied Mr. Harutyanyan the necessary medical care required by his various health problems, a violation of the prohibition against torture and ill-treatment that resulted in Mr. Harutyanyan's death.

The military has also been accused of degrading and inhuman treatment directed at conscripts. However, reports of physical abuse and ill-treatment in the army remain 'concealed and inaccessible'.

Prisons

Armenia's prison population increased 20% in between 2009 and 2010, leading to overcrowding, health problems for inmates and violence among detainees. Other problems with prison conditions include insufficient heating and medical staff, lack of adequate time for exercise and poor food quality. While violence against inmates by prison authorities persists, most reports agree that it is not nearly as frequent as is violence in police stations.

Corruption inside prisons continues. Prison officials are often bribed by inmates and likewise extort inmates and their families. A report by the Helsinki Committee cited accounts of widespread blackmail, gambling, intimidation and torture in prisons.

Despite these continued violations, both the Council of Europe's Committee for the Prevention of Torture and the UN Working Group on Arbitrary Detention have commended Armenia for taking positive steps in reforming its prisons and improving the conditions of detention.

Arbitrary Arrest and the Right to Due Process

Following the 2008 presidential elections, many opposition supporters were arrested after protests of the election results. Nine months later, some of those arrested were reportedly still in pretrial detention. Opposition leader Levon Ter-Petrossian was placed under de facto house arrest by security forces for several weeks following the protests. Security forces allegedly conducted searches of opposition members' homes without warrants. Additionally, the police often delayed notifying the families of detainees of their whereabouts.

Generally, authorities in Armenia respect the law that pretrial detention cannot exceed twelve months. However, there is no law setting time limits on detention once a court case begins. As a result, there were reports of persons spending more than three years in detention before completion of their trials.

Arbitrary arrests are not uncommon and police occasionally make arrests without warrants. Furthermore, police hold some detainees incommunicado, restricting their access to legal counsel and family members. Such methods have led to failing trust of the police by the public. In 2009, 58% of respondents to a study felt that the Armenian police were corrupt.

Following a 2010 visit to Armenia, the UN Working Group on Arbitrary Detention released a report citing various concerns, including:

- The impartiality of the judiciary and 'equality of arms between the prosecution and defence';
- The 'excessive powers provided to the police, National Security Services and border guards in arresting and detaining many individuals without an arrest warrant';
- That individuals continue to be detained because of their political beliefs;
- The need for reform of the Criminal Code;
- The use of beatings and ill-treatment to extract confessions.

Right to Fair Trial

Concerns regarding the Armenian justice system are manifold. The judicial branch of the government continues to be subject to pressure from the executive branch. Other issues include the admission of confessions obtained through torture and ill-treatment during trials proceedings, the courts' failure to ensure equality between the prosecution and defence and the high conviction rate due to pressure on judges to deliver guilty verdicts. This corruption has led to public distrust in the system. In 2009, a study found that 65% of Armenians feel the courts are corrupt.

In 2010, the OSCE ODIHR released a report of its trial monitoring in Armenia. The report included the following concerns:

- Pretrial detention is the rule as opposed to the exception;
- There is a near automatic imposition of a 2 month pretrial detention instead of a term based on individual circumstances;
- Judges do not always follow the rule of presumption of innocence;
- Police testimony is often given prior to the defence's investigation of its merits;
- Allegations of torture and ill-treatment during questioning and pretrial detention are not addressed by prosecutors or judges;
- Many judges lack impartiality.

Political Rights

Freedom of Expression and the Media

Despite its international and constitutional legal requirements to respect freedom of expression and freedom of the media, Armenia has failed to adhere to these obligations. Journalists are still subjected to harassment, intimidation and violence and independent news agencies often face difficulties when trying to broadcast news that is critical of government policy or police activity.

Following the February 2008 presidential elections, several journalists covering opposition protests were attacked and beaten by police. Police also detained at least two additional journalists. Arbitrary arrests of and attacks on other members of the media were also reported, allegedly as a result of their professional activities.

Attacks on members of the media continued in 2008 and 2009. Several independent news anchors, journalists and editors were attacked under similar circumstances. None of the incidents were investigated conclusively. On April 30th 2009, Argishti Kiviryan, a lawyer and journalist, was beaten severely and shot outside his home. While an investigation was conducted and two suspects were detained, they were released and remain free. Mr. Kiviryan believes he was attacked because of his criticism of the police.

In June 2010, the Armenian parliament adopted legislation that reduced the number of available television stations and stipulated that existing broadcasters or those with at least three years experience will receive preference in future licensing competitions, thus creating institutionalised obstructions to the development of new broadcasting.

In addition, the Armenian government violated a 2008 ruling by the European Court of Human Rights when they denied a broadcasting license to independent television station, A+1 in December 2010. The European Court of Human Rights had already ruled that this violated freedom of expression.

In 2010, the UN Human Rights Council recommended that Armenia *'Put in place measures to ensure full respect for the right to freedom of opinion and expression, and create a more amenable climate for investigative journalism'* and *'ensure full respect for freedom of expression'*.

Freedom of Religion

While the constitution protects freedom of religion, there is *de facto* religious discrimination in Armenia. The Armenian Apostolic Church is the national church and is granted various privileges under law.

While military service requires 24 months, alternative military service requires 36 months and alternative civilian service requires 42 months. In addition, the military administers the alternative service, calling into question whether it is a legitimate alternative to military service. Because of this, Jehova's Witnesses have refused to take part in the alternative service program, leading to the imprisonment of many conscientious objectors.

In 2010, the UN Human Rights Council recommended that Armenia 'Take the legislative and administrative measures necessary to fully guarantee freedom of religion in the country, in particular to prevent any form of discrimination or undue obstacles in the registration of associa-

tions of religious minorities' and to 'fully ensure freedom of religion for all, without discrimination'.

Free and Fair Elections

The 2008 presidential elections were marred by accusations of fraud and by post-election violence.

Prior to and following the election, there were many reports of people being fired for their political views. Moreover, government employees and public sector workers were threatened with termination or pay cuts if they failed to attend then Prime Minister Serge Sargisian's campaign events. Campaign materials in support of Sargasian were posted in various state buildings, such as schools and cultural centres. In addition, opposition activists were assaulted on numerous occasions for their campaign activities and campaign offices were attacked by use of arson and gunfire.

The final report by an international observation mission of the OSCE/ODIHR noted that the election 'mostly met OSCE commitments and international standards in the preelection and during voting hours'. However, a report on the election by the Helsinki Committee of Armenia listed, among others, the following voting irregularities:

- Overcrowded voting precincts;
- Police presence in precincts;
- Police participation in vote counting;
- Persons voting with others' passports, without passports and with expired passports;
- Widespread distribution of bribes to election officials;
- Directed voting by candidate representatives;
- Election day campaigning.

International observers accused the Central Election Commission of failing to investigate reports of ballot stuffing, voter intimidation and counting irregularities.

Following the election of Serge Sargisian, large opposition protests took place in Yerevan, with the numbers of protesters surpassing 50,000. Following a week of protests, police used force to break up the protests, reportedly 'using truncheons, iron bars, tracer bullets, tear gas and conducted energy devices'. Protesters responded by throwing stones and setting vehicles on fire. The confrontations resulted in ten deaths (eight protesters and two police officers) and over three hundred injured. Additionally, over one hundred protesters were arrested, held incommunicado and denied access to counsel. Trials for demonstrators 'raised fair trial concerns' as many convictions relied solely on testimony from police.

Many recounts showed errors and inconsistencies in the original counts. Gangs of 'thugs' interrupted some recounts while police stood idly by. The results of the election were appealed to the Constitutional Court but, despite the numerous discrepancies stated above, the results were upheld. The Court did, however, criticise the National Committee of Television and Radio for allowing biased media coverage during the election.

While an investigation of the events was undertaken, no one was found responsible. In June of 2009, the National Assembly granted amnesty for the imprisoned opposition demonstrators serving terms less than five years and not convicted of violent crimes.

As a result of these problems, the election monitoring NGO, It's Your Choice, estimated that public mistrust of the electoral system and democratic process increased. A 2009 study of Armenian attitudes found that 62% of the population believes the electoral system is corrupt.

Freedom of Assembly

Armenian authorities continue to restrict freedom of assembly. Political demonstrators, if they are permitted to assemble, are often harassed by police and not allowed access to certain public areas. Police regularly obstruct access to demonstrations through the use of physical impediments such as roadblocks or by restricting information. In addition, police often use force to disperse demonstrators.

In March of 2008, in the wake of the presidential election, the National Assembly approved legislation giving local authorities the right to restrict public assembly. Public gatherings by the opposition were consistently banned. According to the Helsinki Committee of Armenia, demonstrators would shout insults, but never use violence against police, but police would often use excessive force.

In 2010, several demonstrators were detained and physically abused by police. After riot police dispersed a demonstration on 15 May, they detained a number of demonstrators. Ani Gevorgian, a journalist from an opposition newspaper, and Davit Kiramijyan, an opposition activist, were both arrested. Gevorgian was charged with assaulting a police officer and Kiramijyan with hooliganism.

The UN Human Rights Council, the Council of Europe and the OSCE have all expressed concern regarding the protection of the right to freedom of assembly in Armenia and have called on Armenia to reform its policies.

Economic Rights

Leisure Time and Fair Pay

While the law calls for a maximum work-week of forty hours and minimum of twenty-eight vacation days, authorities rarely enforce this law. The result is that many private employees do not receive paid leave. Several employment agencies reported that employers hired employees for an unpaid 'probationary' period of up to 30 days. According to the reports, many of these employees were then dismissed and unable to claim compensation because their work was undocumented.

Conditions of Work

Despite the right to refuse to work in hazardous conditions, workers rarely do so, for fear of losing their job. In May of 2009, four workers were killed and twenty injured at a chemical plant following an explosion. The explosion was blamed on 'obsolete Soviet-era equipment' and poor safety standards.

Social Rights

Right to Health

In 2006, expenditure on health care made up only 1.64% of GDP. According to UNICEF, *'[t]he quality and accessibility of Armenia's health care remains poor, particularly in rural areas.'* While access to health care in the capital city of Yerevan is easy, it is very difficult for those living in rural areas.

Women are especially affected by the country's poor health care. While maternity leave and other support for pregnant women are available, it exists only for employees in the formal sector. Thus, the large numbers of women working in the informal sector (agriculture, etc.) are unable to access such benefits. Armenia also has one of the highest abortion rates in the region, mainly due to the inaccessibility of contraception.

Corruption infiltrates the Armenian health care system as well. Often, bribes are demanded by health care officials for timely care. Likewise, patients often pay off doctors and nurses for more immediate attention. According to a 2009 study, 61% of Armenians think the health care system is corrupt.

Right to Education

Public expenditure on general education represented only 2.75% per cent of GDP in 2006. There are great disparities in quality of and access to education, depending on location, gender and income. Like health care, the quality of and access to education is well below standards in rural areas.

Despite being free, education can often be prohibitively costly for low-income families. Because of the poor quality of education, it is often necessary to pay for individual tutoring, something many families are unable to do. According to UNICEF, 'Approximately 25 percent of school entrants do not reach high school'.

Discrimination

Women

Survey data has shown that over 25% of women in Armenia will suffer physical abuse from their husbands or other family members at some point in their lives. The likelihood of suffering from psychological abuse is much higher. While domestic violence can be perpetrated by any member of the victim's family, it is overwhelmingly committed by men against women. Additionally, women are the primary victims of sexual violence. The result is that women are disproportionately exposed to violence which qualifies it as a form of discrimination and, therefore, a human rights concern. The Secretary General of the UN has also confirmed state obligations to prevent domestic violence.

Despite the prevalence of domestic violence, and Armenia's obligations under international law to counteract it, there is no appropriate law on domestic violence in Armenia. Moreover, there are no specially trained police officers, prosecutors or judges tasked with handling domestic violence cases. It is typical for authorities to believe the abused woman is the instigator and thus refuse to provide help.

Sexual Orientation

Homosexuals face discrimination in the workplace and family, and homosexuality is a significant problem with respect to access to education and health care. Armenia's secretary of the National Security Council, Artur Baghdasarian, discussed homosexuality in a newspaper interview and said *'Such conduct does not fit in with our society. Family and Armenian traditions prevail for people who were the first to adopt Christianity. Those unnatural things are unacceptable to us. I am against limitations of human rights in general. However, I consider homosexuality is extremely dangerous for Armenia.'*

Religious Minorities

The relative lack of cultural diversity in Armenia has resulted in few issues arising in regards to cultural rights. Despite this, Jehovah's Witnesses, a religious minority group, have filed complaints against the state, including the aforementioned case regarding mandatory military conscription that was brought to the European Court of Human Rights in 2009, *Bayatyan v. Armenia*. However, the European Court found that the prison sentence of two and a half years that the state of Armenia granted to Mr. Bayatyan for refusal to participate in alternative service did not constitute a violation of freedom of conscience and religion.

Other Issues

Internally Displaced Persons

As a result of the war with Azerbaijan over Nagorno-Karabakh, Armenian authorities evacuated hundreds of thousands of people from the border regions. While most of those people were returned, some have not because of the economic toll. Additionally, many IDP's have chosen not to return because there remain many land mines in the border regions.

Exploitation and Human Trafficking

The amount of informal labour in Armenia has resulted in additional human rights abuses. Many children work in agriculture, and the laws on child labour are irregularly enforced. Armenian women are trafficked to Turkey or the UAE for sexual exploitation and men are trafficked to Russia for labour exploitation.

Democratization

Freedom House has been publishing annual reports on 29 countries in Central Europe and Eurasia since 2001. In these reports, Armenia's overall democracy score has decreased from 4.83 in 2001 to 5.43 in 2011 (on a scale from 1 to 7 with 7 being the least democratic and 1 being the most democratic). They evaluate each country based on seven elements of democratization: civil society, corruption, the electoral process, independent media, judicial framework and independence, local governance and national governance. Armenia's scores for democrati-

zation in each category have declined with the exception of corruption, which, according to their reports, improved from a score of 5.75 to 5.50 between 2001 and 2010. The scores for governance (both at the national and local levels) and independent media have dropped the most significantly in the same period, from 4.5 to 5.75 and from 4.75 to 6, respectively.

Democratic Governance

Successful developments in governance have been overshadowed by general apathy among the public due to a pervasive lack of trust in the government and electoral process. *'Local government activities…are hampered by low citizen incentives, unclear division of responsibilities, poor funding, and over-centralized administrative control.'* Political opposition groups are often coercively marginalized by the incumbent party resulting in the lack of viable political opposition. The development of a level playing field in politics will be essential for Armenia's democratic development.

Civil Society

Civil society groups remain the strongest aspect of Armenia's democratic environment. While the government rarely interferes with their activities, the 2009 amendments to the Law on Public Organizations that endeavoured to increase transparency also complicated processes for NGOs. In addition, most civil society groups focus on the capital city of Yerevan, with little influence and few initiatives reaching the rest of the country. Finally, NGOs in Armenia continue to rely on international funding for their work, weakening their sustainability and demonstrating the lack of domestic support for their sector.

Corruption

While Armenian law criminalizes official corruption, the government failed to apply the law, and officials frequently participate in corrupt activities themselves. Additionally, government anti-corruption initiatives have failed to produce significant results. While corruption has improved marginally in Armenia over the last decade, it still presents a major hindrance to democratic development in the country. In 2009, the head of the Control Service under the President was accused of appointing family members to government positions. The government was also reluctant to provide access to government information, as the law requires. The government implemented a strategy in 2009 to reduce the prevalence of corruption in public offices by 2012. The campaign successfully revealed abuses on many levels within the government but, unfortunately, has thus far failed to punish offending officials adequately. Corruption within the police, prisons, courts, electoral process, and health care system has contributed to many abuses of human rights, demonstrating the widespread effects of corruption in Armenian society.

Conclusions

While much of Armenia's legislation is quite progressive, in practice these laws are selectively enforced. Armenia is *de jure* a democracy but the myriad problems in the sphere of civil and political rights hinder its democratic development considerably. Arbitrary arrests of those supporting opposition parties, blatant corruption at all levels of the government, the impediments to media freedom and diversity, frequent repression of political assembly for opposition supporters, and the numerous inconsistencies and discrepancies regarding the 2008 elections call into question the democratic legitimacy of the current administration. Additionally, the failure to deliver on commitments to positive obligations in the sphere of economic and social rights, especially in improvements in the quality and universal accessibility of education, raise concerns about the future of democracy in Armenia.

AZERBAIJAN

Azerbaijan has seen both great progress and serious disruption in the twenty years since gaining independence from the USSR in the early 1990's. The Nagorno-Karabakh War with Armenia left Azerbaijan with half a million internally displaced persons, many of whom have yet to be resettled. Unlike many other post – Soviet states, Azerbaijan has developed a strong economy, due to its wealth of oil resources. However, political freedom has not accompanied economic development. Heydar Aliyev became Azerbaijan's first president following independence and, in 2002, his son Ilham Aliyev succeeded him. Under both father and son's rules, the government has deprived its citizens of free and fair elections and any semblance of a true democracy. Opposition leaders, activists, journalists and human rights defenders are under constant duress and harassment from the government and those who criticise the government are often targeted with arbitrary arrest and unfair trials. Azerbaijan's government restricts freedom of expression in all forms. The following country report begins with an overview of the state of civil, political, economic and social rights in Azerbaijan, followed by an examination of other human rights issues, such as discrimination and the situation of internally displaced persons who have fled their homes as a result of the conflict with Armenia over Nagorno-Karabakh in the early 1990s. The chapter ends with an overview of democratization in Azerbaijan.

Civil Rights

Arbitrary Deprivation of Life

During 2009, human rights monitoring groups reported that at least seven people died while in police or military custody. Police reportedly beat Nadir Abdullayev to death in September for rudely answering an officer's question. In December, police allegedly beat Gazanfar Seydanov for unknown reasons, and he died later the same day. There were also no developments in the cases of people who died in police custody in 2008.

Torture and Inhuman Treatment

Azeri authorities continue to commit acts of torture and inhuman treatment with impunity. The Azerbaijan Committee against Torture received over 150 complaints of torture and inhuman treatment during custody in 2010, up from 90 complaints in 2009. In 2010, one prisoner reportedly died in custody as a result of injuries resulting from ill-treatment, while three died in 2009 after allegedly being ill-treated. Domestic human rights monitoring groups reported higher numbers of tortured detainees in 2009 than did the Committee: 169 persons reported tortured in custody and seven deaths as a result of torture or inhuman treatment. Police disciplined several officers but did not criminally prosecute any for their involvement in torture or ill-treatment of detainees.

The UN Committee Against Torture expressed concern over Azerbaijan's violation of the international prohibition against refoulement, by deporting Chechens to the Russian Federation and Kurds to Turkey where they face a great risk of being tortured. These concerns were echoed by the UN Human Rights Committee later in 2009.

There were also reports of military personnel torturing subordinate officers.

Political Prisoners

Azeri authorities continue to hold political prisoners. As of 2011, NGOs reported between 23 and 45 political prisoners in the country. Most of these prisoners were arrested prior to the 2005 parliamentary elections for allegedly planning a coup to overthrow the government.

Prisons

In spite of reforms to the penal system Azerbaijan continues to operate prisons with inadequate and unhealthy conditions. Many of Azerbaijan's prisons are relics from Soviet times and, although some are being upgraded, remain in poor condition. NGOs reported various problems with prisons, including lack of adequate exercise time and unsanitary conditions that led to disease such as tuberculosis.

In 2009, the UN Committee Against Torture noted with concern the lack of due process at the initial entry into the justice system. The Committee also expressed grave concern over instances ill-treatment and death of those in custody and recommended the government fully investigate these occurrences.

The Council of Europe's Committee for the Prevention of Torture received numerous complaints of ill-treatment in prisons during their 2008 visit. The CPT, like the Committee Against Torture, also voiced their concern over prison conditions, in particular the practice of keeping prisoners in their cells for 23 hours per day.

Arbitrary Arrest and the Right to Due Process

There were numerous reports of arbitrary arrest by the police. Police often detain people for days and weeks without a warrant. Additionally, judges often issue sentences before detainees have spoken to an attorney.

In 2009, Bakhtiyar Hajiyev, a candidate for parliament, was detained for 24 hours without access to food or water and was not allowed to contact family members to inform them of his whereabouts. Hajiyev also reported that, prior to being released, police officers threatened and verbally abused him.

In 2009, the UN Human Rights Committee expressed concern over the problems of inadequate legal assistance and other violations of due process during arrest and pre-trial detention.

Right to Fair Trial

The judiciary in Azerbaijan has pressure exerted upon it by the executive and judges and prosecutors often take orders from the administration of the president. In 2010, the UN Human Rights Committee voiced alarm over the lack of independence of the judiciary and called for Azerbaijan 'to create conditions ensuring full independence of the judiciary.

Allegedly, judges often take bribes as well. Additionally, many of the procedures required for a free and fair trial are ignored, such as the 'right of defendants to confront witnesses and present evidence at trial, the right to a court-approved attorney for indigent defendants, and the right of appeal for defendants and prosecutors'.

Other international obligations that have been violated include:

- Equality of arms between prosecutor and defence;
- Presumption of innocence;
- Use of jury trials;
- Prohibition of the use of illegally obtained evidence.

Political Rights

Freedom of Expression and the Media

According to the international NGO Article 19, which specialises in freedom of expression, Azerbaijan's record of protection of freedom of expression had 'significantly deteriorated' since 2005. Azerbaijan has consistently restricted the right to freedom of expression for activists, ordinary citizens and the media. Freedom of expression is curtailed both illegally, through intimidation and violence, and through law. Protests against the government are banned, and result in mass arrests and police violence. Journalists are often targeted through harassment and violence by police and government officials. Vague laws have been introduced that limit the rights of journalists and media outlets. In the multitude of

cases in which journalists and activists have been threatened and/or attacked by police or unidentified assailants, no meaningful investigation was initiated. The following is only a small selection of violations of the right to freedom of expression by the government:

In 2007 Eynulla Fatullayev, the chief editor of two newspapers that have often criticised the government was sentenced to eight-and-a-half years in prison on charges of fomenting terrorism, among other things. Most independent sources claimed these accusations were politically motivated. In 2010 Fatullayev was sentenced to an additional two-and-a-half years in prison on 'spurious drug charges brought by prison authorities.' The European Court of Human Rights found that Fatullayev had been imprisoned wrongly and that Azerbaijan had 'grossly' violated the right to freedom of expression. As of 2011, he is still imprisoned.

In 2009 youth activists and bloggers Emin Milli and Adnan Hajizade were attacked by unknown assailants in a Baku restaurant. After going to the police to report the attack, they 'were detained, interrogated, and put in custody'. Both men were convicted of 'hooliganism and deliberately causing bodily harm' and sentenced to thirty and 24 months in custody, respectively. They were both released in November of 2010.
In March of 2009, the Parliament amended the laws regulating mass media. The amendments permitted the closure of media outlets on the grounds of 'abuse of freedom of speech and a journalist's rights', which are ambiguously defined as the distribution of information that threatened the 'integrity of the state'. A constitutional referendum that followed further curbed freedom of expression by prohibiting 'the photographing, filming or recording of people without their consent, even in the public domain, effectively preventing the reporting of events of public interest'.

The UN Human Rights Committee, in 2009, expressed concern over 'the extensive limitations to the right to freedom of expression of the media, the closure of independent newspapers', the 'pattern of harassment and criminal libel suits or hooliganism charges against journalists', the failure to investigate reported killings and beatings of journalists and the 'arrest and detention on remand of individuals who had expressed opinions…especially since no explanation was provided as to why the arrest took place after the individuals had reported to the police attacks on themselves'.

Freedom of Religion

While generally respecting freedom of religion, the government enforced various restrictions through use of burdensome registration policies. After requiring all religious groups to re-register with the government in 2010, several groups were denied registration for unknown reasons. According to reports, 'the registration process appears to serve as a point of leverage for the government to use against religious groups it deems undesirable'.

There were also reports of religious buildings being destroyed or closed and of religious literature being confiscated. Jehovah's Witnesses and unauthorised Islamic groups were often targets. In October of 2010, two Muslim men in northern Azerbaijan were detained by police and harassed. The police proceeded to shave off their beards. Also in October, police raided a festival being held by the Baptist church in the town of Qusar, and arrested four of the people participating.

Free and Fair Elections

In the lead-up to parliamentary elections in 2010, restrictions on freedom of assembly, freedom of expression and opposition political parties resulted in international observers criticising the elections for failinrcent of opposition candidates were able to register. Moreover, NGOs recounted that the news coverage of the election was overwhelmingly favourable towards the ruling party. This, in addition to the restrictions on public assembly, created 'an unlevel playing field for candidates.'

The day before the November parliamentary elections, Sakhavat Aliyev, a candidate for the opposition party Musaavat, presented a copy of a protocol of elections results in his district to

OSCE observers. After this was reported in the media, Aliyev's family received threatening phone calls and his brother was detained for one week without being charged. One month after the elections, police officers beat members of Aliyev's family and demolished his family's shop. The family was completely cut off from help as local ambulances and taxi's refused to help them. According to local NGOs, the police had cordoned off the village.

Freedom of Assembly

Azerbaijani authorities consistently restricted freedom of assembly by refusing to allow any public demonstrations in Baku and by immediately dispersing and arresting demonstrators. The government must approve all public rallies but will only do so for rallies held at designated locations outside of city centres. When unsanctioned rallies have been held, the results have been the same: police immediately disperse the demonstrators, often using violent means, and arrest dozens of protestors.

In 2009, three opposition political parties held an unapproved rally in Baku. The police detained more than 100 demonstrators and forcibly removed – by bus – 20 protestors 40 miles outside the city to find their way back. Many of the demonstrators detained were held for days and up to a week in police custody.

Economic Rights

Freedom of Association

In 2009, new legal regulations were enacted that required NGOs to report on their finances in unspecified ways as well as requiring foreign NGOs to obtain permission from the Ministry of Justice to work in Azerbaijan. Loopholes in the law continue to allow the government to interfere with NGOs' ability to register legally.

Religious organizations have also been denied registration by the government because of legal complexities.

Unions

The law provides the right to unionise but is restricted at times. For instance, members of the military and police are forbidden to unionise. Moreover, while there are many unions, most of them are closely affiliated with the government, restricting their true effectiveness.

Social Rights

Right to Health

Despite economic progress in recent years, the health of Azerbaijan's citizenry has not improved in the same manner. Two in five children suffer from malnutrition and are anaemic. The government has also done a poor job of raising public awareness of HIV. 96% of drug users do not practice safe sex and 46% share syringes and needles.

Right to Education

While free education is provided to every child until the age of 17, many children – particularly in rural areas – are forced to work instead of attending school. This is especially the case with girls, who are often forced to work at home while boys are encouraged to continue their education.

Discrimination

Women

Because of societal pressures, many women do not report cases of rape. Additionally, there are no specific laws against spousal abuse or spousal rape. In rural areas, women generally have no recourse against spousal abuse. The government sponsored no programs for victims of domestic violence or rape. While the law prohibits sexual harassment, there is no enforcement of the law. Moreover, there is no legal mechanism to receive and act upon complaints of sexual harassment.

In 2009, there were only 35 reported cases of rape. This low number prompted the UN Human

Rights Committee to address the issue of unreported rape as a societal problem in 2009. Specifically, the HRC expressed concern over the lack of shelters for victims of domestic violence and rape.

Ethnic Minorities

There are approximately 20,000 persons of Armenian descent living in Azerbaijan. They complained of discrimination in housing, employment, education and other areas. Other groups such as Kurds, Turks and Caucasian Lezghins reported periodic discrimination - typically in the restriction of teaching their own language.

Sexual Orientation

Lesbian, gay, bisexual, and transgender persons in Azerbaijan face harassment and violence both from other citizens and from the police. NGOs reported numerous cases of police brutality against LGBT persons but these incidents were not investigated, partially due to the fact that victims are afraid of the social stigma that would accompany complaints of discrimination. The LGBT community holds monthly gatherings which are routinely raided by the police.

In 2009, the police raided gay bars on four separate occasions, arrested 50 people and extorted bribes by threatening to publicly reveal identities.

Other Issues

Internally Displaced Persons

In 2009, there were 592,860 registered IDP's in Azerbaijan, most having fled their homes during the Nagorno-Karabakh War of the early 1990's. Many of these people still have serious difficulty accessing adequate housing and social services such as healthcare. Many IDP's were unable to register their residence – as was required – and, as a result have had great difficulty acquiring adequate housing and accessing other social programs. The registration process requires IDP's to live in pre-approved residences. The UN Human Rights Committee has clearly stated that this registration program violates the right to freedom of movement and exposes IDP's to numerous corrupt practices. Many IDP's still do not have permanent housing.

Democratization

In the 10 years that Freedom House has been reporting on the democratization movement in the former Soviet Union Azerbaijan's rating has degraded from a 5.54 overall rating in 2002 to a 6.46 in 2011. President Heydar Aliyev, who came to power in 1993 and remained in office for ten years, concentrated power in the executive branch and began Azerbaijan's march towards an authoritarian regime. In October 2003, Aliyev's son, Ilham Aliyev, succeeded his father in disputed elections that were deemed neither free nor fair by the Organization for Security and Cooperation in Europe (OSCE). All elections since 2003 have failed to meet international standards of freedom and fairness. This includes the 2005 parliamentary elections, their 2006 reruns, the October 2008 presidential election that secured President Ilham Aliyev's second term in office, the 2009 constitutional referendum, and the 2009 municipal polls. Following the trend toward authoritarianism, in 2009 a referendum was passed eliminating the constitutionally established limit of two consecutive presidential terms, potentially paving the way for Aliyev's lifelong presidency.

Democratic Governance

Under President Ilham Aliyev's rule, Azerbaijan has moved towards full-fledged authoritarianism. In November of 2010, parliamentary elections, tainted by intimidation and repression, further established the overwhelming power of the ruling Yeni Azerbaijan Party (YAP). In May, June and July a number of pre-election opposition rallies were suppressed and many participants were detained. The ruling elite has maintained stability in the country by infringing on the basic rights and civil liberties of citizens and harassing critics with impunity. War rhetoric dominated the official discourse on the Nagorno-

Karabakh conflict and military expenditures amounted to over 10% of the national budget. This number is expected to double in the coming year. Azerbaijan's national democratic governance rating from Freedom House remains at 6.50 due to the government's disrespect for human rights and the entire democratic process.

The executive branch maintains control over local self-government in Azerbaijan, which results in the lack of meaningful responsibilities or decision-making authority for municipalities. It is widely believed that local elections are controlled by the executive. The Nakhchevan enclave, geographically separated from the rest of Azerbaijan by the Republic of Armenia, has the highest level of autonomous governance in the country but is also the most repressive region of Azerbaijan. Additionally, there are reports of local political opponents being incarcerated in mental hospitals. The subordination of local governance to central authorities and official abuse at the local level has resulted in Freedom House worsening their rating of local democratic governance for Azerbaijan from 6.25 to 6.50 between 2010 and 2011.

Electoral Process

Since the country adopted its constitution in 1995, not a single election has been assessed as free and fair by international observers. The most common irregularities have included abuse of administrative resources, intimidation and harassment of the opposition and various election-day violations. The media is also severely restricted and the electoral code was amended in June 2010, shortening campaign and canvassing periods, further disadvantaging opposition political parties. Pre-election opposition rallies were severely restricted or dispersed. The authorities are completely unwilling to provide conditions for free and fair elections, and continued to pass progressively more restrictive amendments to electoral legislation in 2010. Due to these developments, Freedom House worsened Azerbaijan's rating on the electoral process from 6.75 to 7.00 between 2010 and 2011.

Corruption

According to the World Bank's worldwide governance indicators and Transparency International corruption is a severe problem in Azerbaijan, although the situation appears to be improving. Despite some improvements, elites in the country reportedly used corruption 'to dominate virtually all aspects of public life', according to the International Crisis Group. Because of low wages many police officers demand bribes and demand money from businesses in exchange for 'protection'. Officials also reportedly required bribes in exchange for releasing prisoners or returning their personal effects.

Media Independence

Azerbaijani authorities systematically suppress critical voices in broadcast, print, and online media. As in past years, there were many violent attacks on journalists in 2010 and the perpetrators enjoyed full impunity. Libel is considered a criminal offense, which continues to stifle public debate. Several journalists were arrested for their political actions and remain imprisoned on bogus charges such as drug possession. In 2011, Azerbaijan's independent media rating from Freedom House remains at a dismal 6.75 out of a worst possible score of 7, making media freedom one of the weakest points in Azerbaijan's democratization process.

Conclusions

The outlook for the democratization process in Azerbaijan is not positive. Authoritarianism can be expected to deepen, with the ruling party having solidified its control in the December 2009 municipal and November 2010 parliamentary elections. The 2013 presidential race will likely further strengthen the current regime's power. Although 2011 will see further slowdown of economic growth, the president and his close circle of friends will continue to benefit from the country's hydrocarbon wealth and socioeconomic turmoil in the short to medium term is unlikely. Continued militarization is worrisome, and risks of escalation of the Nagorno-Karabakh are high given the unlikely chance of a breakthrough in the conflict resolution process with Armenia.

BELARUS

Since 1994, when Belarus elected its first and only president, the country has been ruled by authoritarianism. Aleksandr Lukashenka has remained in power since 1994, using widespread violations of human rights and democratic principles to consolidate his power. Freedom of expression and assembly are curtailed. Anyone seen as in opposition to the government may be punished by arbitrary detention or torture. During the 2010 presidential elections, which international and local observers reported were illegitimate, opposition candidates and activists were detained. Following the elections, thousands of people protested the outcome of the election. The police violently dispersed the rallies and arrested hundreds of people. As Lukashenka has consolidated his power, the judiciary has become less independent and the police have harassed and attacked opposition members and human rights activists with greater frequency and violence. The country has also been plagued by corruption and discrimination against ethnic groups such as Poles and Roma. The following country report begins with an overview of the state of civil, political, economic and social rights in Belarus, followed by an examination of other human rights issues, such as the problems with discrimination and human trafficking. Finally, an overview of democratization in Belarus is presented.

Civil Rights

Disappearance

Following the contentious 2010 elections, hundreds of protesters were arrested and detained. The whereabouts of some of them remained unknown for days.

There were no significant developments in the disappearances of four persons viewed as in opposition to the government. Opposition leader Yury Zakharanka disappeared in 1999, opposition activist Viktar Hanchar and businessman Anatol Krasouski also disappeared in 1999 and journalist Zmitser Zavadski disappeared in 2000. Evidence supported that the government may have been involved in the disappearances of all four men but the government has consistently denied any involvement.

In 2009, unidentified assailants kidnapped four members of youth opposition groups and left them outside the city after warning them to cease their actions.

The Death Penalty

Belarus remains the only country in Europe that still uses capital punishment. In 2010, authorities executed two men who had cases before the UN Human Rights Committee. The families of persons executed are not informed of the date of the execution or where the body will be buried. According to the Human Rights Committee, the secrecy surrounding executions amounted to punishing the families of those executed and subjecting them to inhumane treatment.

On a positive note, the government recognised the need to abolish the death penalty in front of the UN Human Rights Council in 2010.

Torture and Inhuman Treatment

The security service, the KGB, and the riot police often abused detainees and attacked protesters. Numerous activists and organisers reported being detained and beaten for their roles in demonstrations. The police reportedly not only use physical torture, but psychological abuse as well. Witnesses to police abuse reported that detainees were subjected to violence, threats, blackmail and other forms of harassment and intimidation.

In 2010, Pavel Levshin claimed that he had been tortured by police for several hours. He stated that his hands and feet were tied and then he was beaten. Following this, officers placed a plastic

bag over his head until he nearly suffocated. While a medical report stated that his injuries were consistent with his story, the prosecutor agreed with the police report that there was no evidence of torture.

The military also subjected recruits to forms of torture and inhuman treatment. Hazing of new recruits sometimes included beatings and psychological abuse. However, the government has attempted to halt such practices by prosecuting offenders. As a result, deaths and injuries as a result of hazing declined slightly in 2009, although the behaviour is still widespread.

Political Prisoners

In 2008, the government released all remaining political prisoners. However, at the end of 2009, authorities had detained approximately 40 members of opposition groups, human rights groups and independent journalists for their participation in demonstrations in late 2009. They were charged with 'organizing mass disorder' which carried a possible maximum sentence of 15 years. According to Amnesty International, 16 of these prisoners were 'prisoners of conscience'.

Police also detained demonstrators for shorter amounts of time because of their opposition views. During those same protests in late 2009, police detained over 700 demonstrators and sentenced them to large fines of between five and 15 days of administrative detention.

Civil society activist Mikalaj Autukhovich was sentenced to five years and two months in prison for illegal arms possession. According to NGOs and human rights activists, his conviction was a result of his activism and witness testimony in his case was obtained through intimidation.

Prisons

Prisons in Belarus suffered from shortages of food, water, heat, bedding and access to basic medicines. Diseases such as tuberculosis and pneumonia are reportedly widespread in prisons. According to local human rights groups, the rate of tuberculosis infection in prisons is seven times the national average. In 2009, the United Nations Development Program stated that none of the country's prisons complied with the World Health Organization's tuberculosis infection control guidelines.

Prisoners who complained about the conditions of their confinement are often subjected to threats, physical violence and torture. Prisoners' right to appeal their sentences, communicate with their families and vote are often denied. Foreign prisoners and prisoners with HIV/AIDS are typically isolated from the rest of the prison population.

Mikalaj Autukhovich undertook a hunger strike as a means of bringing attention to his health. During his pretrial detention and imprisonment, Autukhovich lost almost all of his teeth and could barely eat. After the medic at the prison agreed to his demand for better medical care, Autkhovich ended his strike. Later in the year, local NGO, The Human Rights Center *Viasna*, reported that Autukhovich's health had not improved and that he continued to lose weight.

Arbitrary Arrest and the Right to Due Process

Because the president has the authority to control the KGB and the presidential security service, both forces can act with impunity. In most cases in which a person complained of arbitrary arrest and violation of arrest procedures, the government did not investigate the reported abuse.

Police often act without proper warrants and hold suspects indefinitely without following legally prescribed procedures. Opposition activists were often detained for hours to prevent them from participating in demonstrations and meetings, under the guise of confirming their identity.

There were numerous reports of opposition activists being detained on allegations of assaulting or violently resisting police officers. Those detained all claimed that it was in fact the police that had assaulted them.

Right to Fair Trial

The judiciary is not independent, as the executive branch exerts great pressure and influence on judges and prosecutors. As a result, 'there was evidence that prosecutors and courts convicted individuals on false and politically motivated charges, and that senior leader and local authorities dictated the outcomes of trials'.

The government often conducts lengthy campaigns of propaganda against opposition members before and during trials in order to sway public opinion. Defendants' rights to legal counsel, to confront their accusers and witnesses and to present their own evidence are often violated.

Lawyers are also not fully independent, as they must be licensed by the Ministry of Justice in order to practice. Moreover, lawyers are forbidden to work in private practice. Lawyers representing opposition members and human rights activists were accused by the Ministry of Justice of committing 'gross violations' of Belarusian law. Lawyers working in such capacities could have their licenses revoked.

Political Rights

Freedom of Expression and the Media

The government exercises tight control over all forms of media expression. In 2010, a new presidential decree came into force which, according to the Organization for Security and Co-operation in Europe (OSCE), led 'to unsubstantiated restrictions of a citizen's rights to receive and disseminate information'. Journalists have been subjected to constant harassment and threats by authorities and independent publications are often given warnings for including content deemed in opposition to the government.

Several independent news sources were investigated on charges of criminal defamation against the former head of a regional KGB office. Authorities confiscated much of their equipment, performed unnecessary searches and repeatedly interrogated members of the staff. In 2010, police broke into the offices of the independent news website *Charter'97* and injured an employee. Several months later, the founder of the website, Aleh Byabenin was found dead. While his death was officially ruled a suicide, the website had received many death threats in the past and Byabenin had recently joined the campaign team of an opposition candidate, casting serious doubt on the circumstances of his death.

The OSCE Representative on Freedom of the Media wrote a letter to Belarusian authorities stating concern over the pressure applied by the government on independent media. Authorities could suspend news outlets after two warnings for violating the country's wide range of laws limiting free expression.

In 2009, a new law requiring news outlets to re-register with the government was introduced. In an encouraging development, most news publications were able to re-register. However, most of the news outlets that were denied registration were independent publications the government felt were sympathetic to the opposition.

Local NGO, The Human Rights Center *Viasna*, reported hundreds of instances of blatant violations of the right to freedom of expression over the past several years. The violations included illegal searches of persons, breaking into journalists' homes and confiscating their work, denial of registration for news outlets and forcing journalists and outlets to pay excessive fines, among other instances.

Freedom of Religion

The main religion in Belarus is the Belarusian Orthodox Church, which receives special benefits from the government. Meanwhile, other religious groups are marginalised and discriminated against. Many religious communities have been forced to wait years for decisions on registration and property restitution. Religious groups deemed by the government to be 'bearers of foreign cultural influence or as having a political agenda' are harassed and subjected to fines. There were also many reports of societal abuses and discrimination based upon religious identity.

The Belarusian government employs *'ideology officers'*, who *'are charged with promoting official state ideology and work at all levels of government and in all state enterprises and institutions'*. Ideology officers harass various religious communities and disrupt several non-Orthodox religious celebrations. In 2009, an ideology officer and four police officers searched a private home which was being used for Protestant worship. The officials interrogated every member of the church and confiscated books and films.

The government continues to use textbooks that promote religious intolerance, referring to various religious groups, such as Protestants and Jehovah's Witnesses, as sects. Investigations into anti-Semitic acts occurred 'only sporadically or ineffectively'.

Religious intolerance also occurs in society. Neo-Nazi groups vandalised and destroyed Jewish sites. There were other reports of anti-Semitic vandalism and anti-Semitic speech by other religious and nationalist organizations. Catholic and Protestant sites were also defaced by vandals, followed little or no effort by police officials to investigate.

Free and Fair Elections

The 2010 presidential elections were marred by numerous violations of election law. The OSCE election monitoring team observed 'a lack of independence of the election administration, an uneven playing field and a restrictive media environment, as well as a continuous lack of transparency at key stages of the electoral process.' The OSCE reported that the election night was tainted by detentions of most opposition presidential candidates and hundreds of citizens, including journalists and human rights activists.

Local election monitoring organization, The Election Observation: Theory and Practice Project (EOTP), observed voting around the country. The report stated that at all voting stations, there were numerous violations, the most disturbing being the continued counting of votes that had been obviously cast illegally.

Monitors reported other violations such as ballot stuffing and government harassment of independent newspapers, opposition parties and NGOs. The media coverage of the race focused almost completely on incumbent president Lukashenka. What little coverage there was of opposition candidates was 'overwhelmingly negative'. Once the polls closed, observers reported that they were unable to monitor vote counting to confirm its fairness. The OSCE mission reported that 'a positive assessment of this election isn't possible.'

Freedom of Assembly

The law requires potential demonstrators to apply for a permit to conduct a rally but the tedious application process makes it difficult to hold an assembly. The 'Law on Mass Actions' restricts assemblies prohibiting them to take place within 200 metres of subway stations or pedestrian crossing. Moreover, organisers are required to take full responsibility for public safety measures, medical services and clean up after the assembly. Because of such restrictions, most demonstrations are unauthorised. When authorities did grant permits for demonstrations they were in remote locations. As a result, activists are often arrested for participating in unauthorised demonstrations.

Peaceful demonstrations are often dispersed violently by the police. Following the presidential elections in 2010 over 700 people were detained for participating in mostly peaceful protests. Unidentified men in black uniforms, believed to be special forces, ambushed a group of opposition activists including presidential candidate Uladzimir Nyaklyaeu, and threw stun grenades into the crowd. After being beaten, Nyaklyaeu was taken to a hospital. Once there, unidentified men abducted him. Over a day later, authorities finally revealed that he was being held in a KGB detention centre.

Human rights groups recorded dozens of incidents of police breaking up peaceful demonstrations. Protesters were often harassed and detained and often beaten and subjected to excessive violence as well.

Economic Rights

Freedom of Association

Many independent civil society and human rights groups have come under pressure from the government. Organizations are required to fill out lengthy and complicated registration forms in order to function and are often denied registration in any case. As a result, many activists work without official registration. According to Article 193.1 of the criminal code, anyone who participates in 'the activities of an unregistered political party, foundation, civil or religious organization' is subject to a sentence of two years in prison.

The government denied numerous NGOs and political parties registration because of 'technical issues' and for alleged illegal activities. Registered NGOs and political parties received written warnings from the Ministry of Justice.

Conditions of Work

The national minimum wage is not enough to provide a decent standard of living. Employers often ignore safety regulations. Many workers at heavy machinery plants do not wear even the minimal amount of safety gear.

The Ministry of Labor reported 232 workplace fatalities in 2009. According to the Ministry, accidents were the result of carelessness and poor equipment, conditions and training. The law provides no right for workers to remove themselves from potentially dangerous or unhealthy work environments without risking losing employment.

Social Rights

Right to Health

General health in Belarus has improved in the past 20 years. In 1990, the under-five mortality rate was 24 per 1,000 but had improved to 12 per 1,000 in 2009. Despite this, children in the country are still faced with health problems such as stunting.

Discrimination

Women

Most women do not report rape because of shame or fear that the police will blame the victim. According to the Interior Ministry, the number of recorded rape cases decreased 35 percent during 2009. Domestic violence is also a significant problem. There is no law dealing specifically with spousal violence. According to a study by Belarus State University's Center for Sociological and Political Research, four out of five women between the ages of 18 and 60 reported having suffered from psychological violence in their families and one in four suffered from physical violence.

There is no law against sexual harassment short of physical assault. Women also receive wages 20 percent lower than men despite higher levels of education. Most women work in the lower-paid public sector.

Children

Although Romani children still face discrimination and harassment from other non-Romani children and teachers, the number of complaints slightly decreased in 2009. There were instances of sexual abuse and exploitation of children, which the government kept track of.

Sexual Orientation

Discrimination against the lesbian, gay, bisexual and transgender (LGBT) community is widespread. On the International Day against Homophobia and Transphobia authorities denied the LGBT community permission to hold a parade on the grounds that the parade would disrupt traffic. Activists demonstrated anyway and the police responded with violent dispersal. Seven activists were detained and fined.

Roma

In 2005, it was estimated that the rate of unemployment among the Roma community was 80 percent. Roma are often denied access to quality education and jobs. In 2009, the government's office for religious and nationality affairs stated that the Roma community in Belarus had no problems requiring the government's concern.

Poles

Polish groups are harassed often by authorities. Persons involved with the Union of Poles of Belarus were fined for various alleged infringements. In 2009, the police raided and seized a Polish group's centre because of 'illegal property possession'. The event turned into an international episode, as both the Polish government and the European Union expressed their concern over the Belarusian government's actions against the Polish community in Belarus.

Other Issues

Trafficking

Belarus has been both a source and destination for trafficked women, men and children. Many women from low-income families are forced into prostitution in the capital of Minsk. Many people are also identified in incidences of street begging and other forms of forced labour. Vulnerable women are most likely to be forced into prostitution while men are most likely to end up in forced labour.

The Belarusian government has not complied with the minimum standards for the elimination of trafficking. The government did not do enough to help victims of trafficking or to prosecute and convict traffickers. According to the United States State Department report on trafficking, 'there were no reports of public officials complicit in trafficking; however, there were also no signs that the government made discernible efforts to investigate or prosecute such officials.'

Democratization

Belarus has had a tumultuous and stunted democratization process since the fall of the Soviet Union. President Alyaksandr Lukashenka has been in power since 1994 and his rule has been marred by a lack of democracy and respect for human rights, resulting in Belarus being dubbed 'Europe's last dictatorship'. Russia has been a stalwart sponsor of Lukashenka but, in January 2007, began to withdraw the generous energy subsidies that had sustained Lukashenka's rule and Belarus's command-style economy, thus forcing the state to begin partial transformation of its socioeconomic model. Lukashenka's hope of garnering financial support from the West through rhetorical alliance with Western values was thwarted by the world-wide financial crisis, Western sanctions, Russia's war with Georgia and conflicts with Russia over energy policy. These pressures forced the government to enact actual reforms, which included freeing political prisoners, easing oppression of democratic activists and initial steps to liberalize the business climate. These minor reforms were adequate to launch the process of improving Belarus's relationship with the West which included adding Belarus to the European Union's Eastern Partnership Program and the International Monetary Fund granting Belarus stabilization loans.

Democratic Governance

At the beginning of 2010, Lukashenka had potentially attained €3 billion in EU support that would be specifically designated for Belarus, but it was contingent upon his commitment to liberalization. Lukashenka marginally increased the freedom of media, political, and civil society actors in the months leading up to the December 19 election in the hope of gaining EU recognition of his re-election. A record nine candidates were allowed to campaign against the incumbent president, including access to state-owned media. However, election observers noted that the election lacked transparency and called the vote count 'a farce'. The Electoral Commission announced an overwhelming victory for

President Lukashenka, stating that he garnered nearly 80% of the vote with 90% national voter turnout. The opposition candidates and between 10,000 and 15,000 of their supporters protested on the streets, insisting on a re-vote. These peaceful demonstrators were attacked by secret police and beaten by riot police. Eventually, more than 700 protestors were arrested, including seven of the nine opposition candidates.

For weeks following the protests, the government ruthlessly restricted all potential opposition activity, especially in the media. In the end, neither the EU nor Russia validated Lukashenka's reelection. While the political climate softened a bit in the run up to the election, the harsh crack down at the end of December 2010 resulted in Freedom House's rating for Belarus's national democratic governance to remain at a dismal 6.75 in 2011.

Electoral Process

The year 2010 saw some positive reforms in Belarus's electoral code, with the support of the EU, which improved the opportunities for opposition candidates' ability to campaign. However, after the election it became clear that many of these reforms were merely superficial attempts by Lukashenka to appease Western powers. Additionally, there was widespread disunity between opposition candidates as well as inarticulate opposition platforms. The result of these problems is the continued absence of political pluralism and legitimate electoral competition in Belarus, thus worsening Belarus's electoral process rating from 6.75 to the maximum negative score of 7.00 out of 7.00 in 2011.

Civil Society

According to Article 193-1 of the Belarusian Criminal Code, nongovernmental organizations are penalized if they are not registered with the government. Despite promises to rescind this policy, no progress was made on this issue in 2010. Among various repressive acts, youth demonstrators were violently dispersed during protests in February 2010. However, there was some modest progress in the development of a dialogue between society and the state. The Public Advisory Council of the Presidential Administration resumed their work and private entrepreneurs became actively involved in creating a national plan for economic liberalization. Due to the mix of positive progress and repression, Freedom House left Belarus's civil society rating unchanged at 6.00.

Media Independence

The freedom of media in Belarus declined in 2010. Internet censorship was expanded by a July presidential decree and in the same time frame, Aleh Byabenin, the founder and leader of the civil campaign Charter'97, was found dead. Authorities declared Byabenin's death a suicide but, when journalists attempted to investigate his death, they were met with threats to their lives. Following the presidential election, opposition media was denied access to websites, many journalists were arrested and beaten and the offices of a number of independent publications were raided. Due to these destructive measures, Belarus's independent media rating from Freedom House worsened from 6.50 to 6.75.

Local Democratic Governance

Local elections were held on April 25, 2010, but they did not increase the influence of the opposition or civil society in local affairs. Despite significant responsibilities, local officials are often underfunded due to the lack of local revenue sources. Local repressive measures do not garner as much public attention as high-profile political arrests and trials in the capital, and therefore, local democratic activists continue to be subjected to discrimination and harassment, especially at work. Freedom House reports no change in their 6.75 rating for Belarus's local democratic governance.

Judicial Independence

Belarus's legal system is under the direct influence of the president. The courts are frequently used as a forum to punish his political opponents. Before the December 19 election, this subjugation was diminishing, but in the final

weeks of 2010, the trend turned dramatically more repressive. However, in some high-profile cases concerning opponents of the Lukashenka regime, attorneys managed to at least partially prove the innocence of their clients. Belarus's judicial framework and independence rating remained at 6.75.

Conclusions

In the coming year, Lukashenka will look to develop a new socio-political model for his country that will prove economically viable as Russia continues to distance from its former republic. Finding the EU's demands for democratic reform hard to meet, Lukashenka is courting other potential economic partners, such as China and Venezuela. The sustainability of Lukashenka's regime will depend on his ability to maintain an economy reliant on subsidized raw energy supplies. While superficial democratic reforms will probably continue in 2011, the potential for a legitimate transition into democracy in Belarus is unlikely in the near future.

GEORGIA

Georgia, like many post-Soviet states, struggled mightily both politically and economically in the 1990's. In 2003, the country experienced massive upheaval during the 'Rose Revolution', which ousted incumbent president Eduard Shevardnadze. Following the 'Rose Revolution', Mikheil Saakashvili took power with a promise of eliminating corruption and turning Georgia into a vibrant democracy. Since then, Georgia has made some significant strides in its protection of human rights and has served as a model for post-Soviet democratization. However, Georgia's human rights record remains stained by many issues, particularly in the realm of political rights. While Georgia has eliminated much corruption and police abuse of power, serious problems have arisen in recent years with freedom of assembly and expression. Georgia's 2008 war with Russia over the separatist South Ossetia region caused a humanitarian crisis, adding over 100,000 internally displaced persons to the country's already significant number of 360,000, which was a result of similar conflicts in the early 1990's. In addition, Georgia has yet to investigate claims of war crimes committed during the 2008 conflict. The following country report begins with an overview of the state of civil, political, economic, social and cultural rights in Georgia, followed by an examination of other human rights issues, such as violations of human rights and humanitarian law during the 2008 conflict, the situation of IDPs and various problems with discrimination. The chapter culminates with an overview of democratization in Georgia.

Civil Rights

Torture and Inhuman Treatment

In 2010, the Public Defender's Office (PDO) reported that allegations of torture and inhuman treatment had increased compared to previous years. The PDO also stated that police often use excessive force when detaining suspects and that investigations into such acts are ineffectual. In 2009, masked police officers beat two juvenile detainees. The identities of the officers have yet to be determined.

Following their visit in September 2010, the Council of Europe's Committee for the Prevention of Torture (CPT), reported relatively few allegations of torture and ill-treatment. Most reports of violations involved beatings – usually punches and kicks. The PDO reported that the incidence of torture and ill-treatment in police stations has been greatly reduced because of random visits to stations.

In the CPT's report on their 2010 visit, they commended Georgian authorities for their 'zero tolerance' policy towards torture. Despite this, the CPT expressed concern over the conditions of detention facilities and allegations of mistreatment of prisoners, the conditions of several psychiatric and mental health institutions and the treatment of persons by police in pretrial detention.

Prisons

Prison overcrowding remains a serious problem, leading to health issues and prisoner unrest. Between 2006 and 2009, Georgia's prison population increased 50%. In 2009, the European Court of Human Rights twice found Georgia in violation of the prohibition of torture and inhuman and degrading treatment because of the government's 'failure to provide adequate conditions or medical care in prisons'. While new detention facilities have been built according to international standards, older prisons, where overcrowding and sanitary problems are common, are still used.

In 2010, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT) visited Georgia.

The CPT expressed grave concern over the conditions at Penitentiary establishment No. 7 in Ksani, where, according to their report, '[c]onditions of detention of the vast majority of prisoners could fairly be described as amounting to inhuman and degrading treatment'. The CPT report also included concerns over the size of cells, the temperature in cells, the sanitary conditions in cells, the amount of light in cells and, in particular, overcrowding and medical treatment in detentions centres.

In a positive development, the government increased the minimum age of criminal responsibility to 14, in accordance with the UN Committee on the Rights of the Child's recommendation. The CPT report also applauded the government for making strides in reforming prisons around the country.

Arbitrary Arrest and the Right to Due Process

Georgian law enforcement officials have been accused of violations of the prohibition of arbitrary arrest and the right of due process in the past several years, including:

- Intimidating opposition candidates in the run-up to elections;
- Failure to inform detainees of their rights;
- Refusing to grant detainees' requests for counsel.

The General Inspection Service of the Ministry of Internal Affairs reported an increase in disciplinary actions taken against police officers in 2009 compared to previous years. It appears that this is a result of a push to clean up the police service as opposed to an increase in illegal behaviour by law enforcement officials. For instance, in 2010 there were no reports of police officers planting drugs or weapons, as opposed to in 2009, when there were numerous reports of such actions. In most of those cases, the accused officers accepted plea bargains or were found guilty.

Free and Fair Trial

In 2009, the PDO reported that Georgia's judicial system is still fraught with problems such as deficiency in quality of investigations, lack of transparency in judge appointment, equality of arms between prosecution and defence and pressure from the executive branch. In many cases, according to NGOs, judges made decisions favourable to the ruling party without 'an actual directive to do so'.

Georgia has reformed its criminal procedure code (CPC), aligning it to European standards. The reformed CPC strengthens the protections of due process and free and fair trial. Despite this, several studies of Georgian public opinion found that the judiciary is considered one of the most corrupt institutions in the country. According to the International Crisis Group, only 17 percent of Georgians trust the judiciary and only 6 percent believe it is independent.

Political Rights

Freedom of Expression and the Media

Despite the overall improvement of the level of democracy since the Rose Revolution, freedom of expression has deteriorated. According to a report by the Georgian Young Lawyers Association, freedom of expression was better protected prior to the Rose Revolution.

In 2009, a large number of activists were arrested during demonstrations for drug and weapon possession. NGOs reported that these arrests were politically motivated and that the trials of the activists failed to meet international standards.

Media freedom was generally well respected, as opposition members were free to express opinions on television and radio. However, there were also accusations that government officials influenced media outlets using personal connections.

The worst violations of freedom of expression were attacks on journalists covering demonstrations. In 2009 and 2010, numerous journalists reported being harassed and attacked while covering opposition protests, both by police and by

opposition reporters. In 2007, the UN Human Rights Committee expressed concern over the fact that attacks on journalists had not been investigated. Georgia has still not developed a culture that promptly and adequately investigates attacks on journalists.

Freedom of Religion

Generally, the Georgian government shows consideration for freedom of religion. However, religious groups other than the Georgian Orthodox Church complained of not having equal status in the law. In 2007, the UN Human Rights Committee expressed concern over fact that different status of religious groups could lead to religious discrimination. Minority religious groups also reported a fair amount of media bias against religions other than the Georgian Orthodox Church. Jehovah's Witnesses reported several instances of intimidation and violence directed against members, and, as of 2010, there were five cases involving Jehovah's Witnesses pending at the European Court of Human Rights.

Free and Fair Elections

The Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights reported few problems with municipal elections in 2009. On the whole, the elections met international standards. NGOs reported that government employees were pressured to vote for the ruling party. In the 2008 presidential elections, the results were much the same, with reports of counting and tabulation problems, as well as failure by the government to address election-related complaints.

The 2008 parliamentary elections were marred by reports of intimidation and violent attacks. Members of the opposition accused the government of failure to investigate any of these instances.

Freedom of Assembly

There have been many instances of police violence in response to protests and public demonstrations in the past several years. In 2007, police used excessive force against peaceful protesters, injuring approximately 500. There has yet to be an effective investigation into the police actions.

During the spring and summer of 2008, there were protests demanding President Saakashvili's resignation. Police reportedly used excessive force in several instances, arrested protesters without warrant and subjected those detained to ill-treatment. While many of these protests were not greeted with police interference, the PDO and NGOs reported that numerous protesters were attacked by masked persons after leaving demonstrations.

In 2009, in an effort to discourage demonstrations, the parliament adopted amendments that authorised increasing the use of administrative detention for the crimes of hooliganism and disobeying police from 30 to 90 days.

Several times in 2009, police dispersed peaceful protesters by firing upon them using impact projectiles, injuring dozens. As of 2011, investigations into excessive use of force were either pending or had not released any findings.

Economic Rights

Unions

Georgian law recognises the right to unionise for most, restricting it for people working in law enforcement, doctors, the Public Defender's Office and several government ministries. The labour code also does not include a right to information on the reason for employment termination. Finally, there were reports of employers threatening people organising strikes.

Child Labour

UNICEF reported that some families are forced to withdraw their children from school and put them to work to provide for the family. This is most evident in the street begging that takes place in Tbilisi. While the number of children involved in street begging is hard to determine, studies indicate it to be between one and two thousand.

Discrimination

Women

In 2007, the UN Human Rights Committee made a specific point of criticising Georgia for the alarming level of domestic violence and the lack of adequate measures to protect and assist victims. Since then, the government has taken steps to improve this situation, by adopting a new government plan on domestic violence. The plan included greater provision of assistance to victims of domestic violence and, in 2009, the government built new shelters for abused women. In 2009, Tbilisi police and prosecutors received training on domestic violence, as did police in eight other cities.

However, violence against women is still a significant problem. According to NGOs, rape often goes unreported for fear of societal stigma. Likewise, domestic violence is greatly underreported as well. Moreover, as of 2010, domestic violence itself had not been criminalised, forcing prosecutors to use broader criminal acts such as battery. Additionally, observers stated that the police often did not investigate reports of rape and violence against women, leading to further feelings of helplessness among abused women.

Discrimination against women in the workplace is common as is sexual harassment. While the law prohibits such actions, the law is barely enforced.

Children

Education is free in Georgia through the high school level. However, in rural areas, many families are forced to provide financial support to schools in order to keep them running. Moreover, the quality of education in rural areas is poor; often lacking adequate facilities with heating and basic teaching instruments.

The prevalence of street children continues to be a problem. Some children, particularly girls, are victims of sexual exploitation. Additionally, the PDO reported in 2009 that inadequate resources were devoted towards assisting street children. It was also reported that police harassed street children.

Ethnic Minorities

Communities of ethnic Armenians and ethnic Azeris complained that the Georgian government was unwilling to give their respective languages provincial language status in the municipalities in which they lived. Despite the fact that Georgian is spoken very little the government refused these requests.

Sexual Orientation

Lesbian, gay, bisexual and transgender persons suffer from social stigma and widespread discrimination. There were reported death threats against an LGBT activist and anti-homosexual slurs and propaganda by a local politician in 2009.
Police raided the officers of an NGO that promotes LGBT equality. The police made anti-homosexual insults, conducted strip searches and generally ransacked the offices. As a result, three police officers were ‘severely’ reprimanded by the General Inspection Office.

Other Issues

Human Rights Violations Resulting from Armed Conflict

All three parties involved in the 2008 conflict (Georgia, Russia and South Ossetia) have been accused of violating international human rights and humanitarian law during the war. As of 2010, none of the parties had undertaken an investigation into these violations. Georgian forces were accused of using weapons indiscriminately in civilian areas.

There have been frequent reports of civilians being arrested between the de facto border of Georgia and South Ossetia, and of prolonged detention of those persons. In both South Ossetia and Abkhazia, de facto courts have ruled that property claims by Georgians are invalid.

Georgian, South Ossetian and Abkhazian (de facto) authorities have been accused of unlawful killings in the border regions between Georgia and South Ossetia and Abkhazia. There were many reported attacks in 2009: both civilians and Georgian police officers were injured or killed in attacks with firearms and explosives.

An Abkhazian man was reportedly abducted in Georgia by authorities, detained, tortured and then forcibly taken to Abkhazia. The Georgian government has denied this claim despite evidence to the contrary.

In Gali, Abkhazia, an area populated by ethnic Georgians, there have been reports of kidnapping, arbitrary arrest and death in the custody of Abkhazian de facto authorities. There have also been reports of looting and robbery by Russian and Abkhazian troops stationed in this area.

Internally Displaced Persons

According to the United Nations High Commission for Refugees there were approximately 360,000 internally displaced persons in Georgia in 2009, as a result of the wars in the 1990's and an additional 127,000 IDPs as a result of the war in 2008. According to UNICEF, 140,000 of these IDPs are children. Many of these IDPs have inadequate housing. Moreover, the government has evicted many IDPs and done so without advance notice or the provision of satisfactory alternatives. In the summer of 2010, some 500 IDPs were forcibly evicted from their homes in Tbilisi. The evictions failed to meet international standards and were criticised by NGOs and UN bodies.

In 2009, the Georgian PDO released a report on the situation of IDPs in the country, stating that Georgia's laws on IDPs are generally consistent with international standards. However, the report highlighted many problems with implementation of the law.

Democratization

Georgia's rapid post-Soviet political emancipation was accompanied by slow institutionalization, which led to a number of serious problems. In 2004, the government initiated reforms focused on modernizing the state, the economy and society. While some of these reforms resulted in better public protection and services, the administration has failed to adequately address issues in areas such as democratic participation and conflict resolution. A political crisis ensued in 2007 and continued into 2008 and 2009 as the administration continued to marginalize the political opposition. The 2008 war between Russia and Georgia ended with Russian occupation and formal recognition of the independence of South Ossetia and Abkhazia.

Democratic Governance

The instabilities of 2007-2009 have calmed in the last two years. In 2010, local elections were held without major complications and reforms have been enacted that will transform Georgia's political system from a semi-presidential to a parliamentary Model in the coming two years. The parliamentary opposition was actively involved in the work of the State Constitutional Commission, and most voted for the final draft. Despite minor discrepancies, in general, the process was inclusive and reflected varying political and societal interests. In addition, the electoral code was successfully changed prior to the local elections to allow fairer representation of opposition parties in local elections. In addition, a working group of political parties is expected to further improve the electoral legislation. The positive changes in national democratic governance have resulted in an improvement from a score of 6.00 to 5.75 between 2010 and 2011 according to the 2011 Freedom House Georgia Country Report.

Electoral Process

The electoral process in relation to the 2010 local elections in Georgia was also improved from past years. Political candidates could campaign

freely and had access to media. However, the ruling party gained an advantage over the competition due to the use of administrative resources. The Central Electoral Commission showed its willingness to cooperate with international observers, and civil society organizations and intervened on a number of occasions, nullifying results that were deemed unfair. These local elections were seen as a significant step towards international democratic standards. For this reason, Georgia's Freedom House rating for Electoral Process improved from 5.25 to 5.00 between 2010 and 2011.

Civil Society

With an unchanged score of 3.75, Georgia's civil society remains one of the success stories of its democratization process. However, it continues to have only a limited impact on policy formulation and implementation. Additionally, local funding is limited and access to international funding and networking favours large and established NGOs, which has resulted in elite-based civic activity in the country.

Media Independence

The media landscape in Georgia needs improvement, both in terms of independence and professionalism. Non-transparency in ownership of major TV stations is an issue and proponents of greater 'professionalism' advocated for more investment in journalism education and the promotion of ethics standards. Most Georgian television news coverage is perceived as biased, though both the government and the opposition have media who favour their point of view, resulting in a certain degree of balance. Print media is more diverse than television, but ethics standards are not widely respected. Internet media usage continues to increase and the number of Georgian residents involved in online social networks also continues to grow.

Judicial Independence

A continued problem for Georgia's democratization process continues to be the independence and framework of the judiciary. Myriad inconsistencies in interpretation and enforcement of legislation, weak institutional organization, and lack of judicial independence plague the judicial system. The extremely low rate of acquittals (which dropped to 0.01% in 2010) suggests the dominance of prosecutors in the court system. In addition, reports continued to cite unbearable overcrowding and inhuman conditions in penitentiary and detention facilities. The government categorically denied the existence of political prisoners despite continued calls from NGOs and political parties for their release. Based on deteriorating conditions in 2010, Georgia's judicial framework and independence rating declined from 4.75 to 5.00 according to Freedom House's 2011 report.

Corruption

The fight against corruption continues to be a major priority for the Georgian government, which resulted in an improvement from a score of 5.00 to 4.75 according to Freedom House. Several high-ranking officials and businessmen were arrested on corruption charges, while petty corruption appeared to be almost absent. Public accountability and transparency was improved through the introduction of electronic monitoring systems and improvements to public services. However, the use of presidential and government funds remained a challenge to transparency.

Conclusions

Freedom House has reported an overall reduction in the level of democratization in Georgia, from 4.58 in 2002 to 4.86 in 2011. However, the upcoming national elections in 2012 and 2013 present an opportunity to increase public trust in the electoral system. Constitutional guarantees for local self-governance will begin operating in 2011, as well as the new tax code and jury system but the quality of Georgia's national democratic governance will depend on how open and issue-based political debate is on these subjects.

MOLDOVA

While Moldova has made some improvements in respect for human rights and democratization, the country's record is still stained by serious problems. There have been many reports of torture and ill-treatment, arbitrary arrest, poor prison conditions, discrimination and corruption throughout all levels of the government. Moldovan citizens also faced obstacles in receiving adequate healthcare and education, especially for vulnerable children in rural areas. Certain groups, such as Roma, have been especially discriminated against and suffer from great societal stigma. In 2009, Moldova's parliamentary elections deteriorated into a violent confrontation as protesters and police clashed in the streets of the capital, Chiºinãu. Hundreds of demonstrators were detained and many of them suffered abuse at the hands of police. On a positive note, authorities did investigate several officers accused of using excessive force and the government seems to be making an effort to halt human rights abuses. Moldova is plagued by tense relations with the separatist region of Transnistria, the de facto government of which rules in an altogether authoritarian manner. Transnistria has been de facto independent since 1992, although it has not been recognised by any other state as an independent country. The Transnistrian de facto government has falsified elections, curtailed freedom of expression and assembly and provoked a culture of bigotry. The following country report begins with an overview of the state of civil, political, economic and social rights in Moldova, followed by an examination of other human rights issues, such as the problems with discrimination and human trafficking. Finally, an overview of democratization in Moldova is presented.

Civil Rights

Arbitrary Deprivation of Life

There were several reports of unlawful killings. In May of 2010, a parliamentary committee determined that police were probably responsible for the deaths of 3 demonstrators who died during protests in 2009.

In April of 2010 prosecutors initiated an investigation into the death of another protester allegedly killed by police during a demonstration in 2009.

Torture and Inhuman Treatment

According to Amnesty International's submission on 'Torture, Discrimination and Impunity' to the UN Universal Periodic Review in 2011, torture and inhuman treatment is widespread in Moldova's police system. According to the report, there were extensive abuses of the prohibition of torture following elections in 2009. Police reportedly used excessive force on demonstrators and illegally detained hundreds of people. While in custody, detainees were beaten and several female detainees reported being forced to strip and perform humiliating gymnastic exercises. The Council of Europe's Commissioner for Human Rights visited detention centres following the events and reported that the majority of people interviewed testified to being ill-treated by police.

Local NGOs reported the following conclusions from their investigation of the 2009 demonstrations:

- Police responded to the demonstrations with excessive force and illegally detained demonstrators;
- A significant number of minors and children were detained and some were subjected to ill-treatment;
- In places of detention, demonstrators were routinely subjected to torture and other ill-treatment;
- Access to legal aid and assistance was not provided in most cases;
- Access to medical care was not provided in most cases;
- The action of the police resulted in at least 2 deaths and many injuries requiring medical treatment.

In 2009, Moldovan authorities received 6,027 complaints of torture or inhuman treatment allegedly committed by authorities, up from 1,075 in 2008. Of those 6,027 complaints, authorities began investigating 693 cases and 383 persons were convicted.

Complaints of torture are also widespread in the separatist region of Transnistria. Many inmates in detention centres undertook hunger strikes in protest of 'cruel, degrading, and inhuman treatment'. The military in Transnistria has also been accused of torture and inhuman treatment of conscripts. The military courts consistently ignored reports of such abuse and also allegedly covered up incidents in which conscripts died.

The Human Rights Committee of the UN, the Committee Against Torture (CAT) of the UN and the Committee for the Prevention of Torture and Inhuman Treatment of Punishment (CPT) of the Council of Europe have all expressed grave concern over reports and accusations of widespread use of torture and inhuman treatment by both police and prison officials.

Prisons

In reports from the past several years, Moldovan prisons did not provide for recreational activities, cell sizes failed to live up to domestic and international standards and there was a high prevalence of malnutrition and disease in detention facilities. Pretrial detention centres also suffered from terrible conditions. Most were located in basements of police stations without natural light or ventilation.

The number of prisoners has decreased however, as a result of greater use of alternatives to incarceration such as house arrest.

Both local observers and international representatives were allowed to monitor prisons and interview prisoners privately. In Transnistria, however, de facto authorities refused to allow the CPT to interview prisoners in private during their 2009 visit. As a result, the CPT delegation ended its visit in protest.

During the Committee Against Torture's 2009 visit, the delegation noted with satisfaction that the government had made advances in the use of alternatives to incarceration and in repairs to many institutions. However, the Committee was also distressed by the continuation of overcrowding, harsh conditions, poor sanitation and inadequate health care.

Arbitrary Arrest and the Right to Due Process

The government employed an ombudsman to visit detention centres, including police stations and detention rooms at psychiatric hospitals, railway stations and the airport. According to the ombudsman, many detainees were not recorded in logbooks. Police at train stations often arrested people before their trains departed, without any explanation, only to release them after the train had left the station. Police at the airport often arrested travellers for 'document checks' and then released them without explanation.

Police frequently refused to grant detainees access to legal counsel until 24 hours after being detained. Suspects can be held in pretrial detention for a maximum of 30 days unless a court order extends it as a result of serious charges. Nonetheless, it is common for pretrial detention to last several months.

Both the Committee Against Torture and the Human Right Committee have expressed concern over the prevalence of arbitrary arrest and the police's failure to respect the right to due process.

Right to Fair Trial

The judiciary of Moldova has been riddled with problems. The executive branch often applied pressure on judges and prosecutors. Particularly in local courts, prosecutors and judges attempted to extort bribes in exchange for reducing charges or sentences.

The rule of law continues to be ignored in Transnistria. In 2010, Ernest Vardanean, a journalist, was detained on charges of 'treason in the

form of espionage.' Before his trial, the main television station in Transnistria broadcast a video of the de facto government's Minister of State Security stating that Vardanean was guilty. Vardanean also appeared in the video apparently confirming the Minister's claims. During his detention, Vardanean had virtually no contact with anyone on the outside. He was sentenced to 15 years in prison but, on May of 2011, he was released.

Political Rights

Freedom of Expression and the Media

According to Reporters Without Borders, media freedom in Moldova has significantly improved since 2009. Despite this, there remained restrictions by authorities. Local NGOs reported many cases of journalists being intimidated. In 2008, on orders from the president, the Information and Security Service began an operation to terminate any 'illicit' funding of political parties and the media, including any resources coming from outside the country.

A lesbian, gay, bisexual and transgender rights march was ordered to be moved to an isolated area of the city by the Chișinău Court of Appeals due to 'security and public morality concerns'. The NGO organising the march filed a complaint with the Chișinău City Hall, which was ignored. However, the City Hall did send a petition to the court in support of banning the march in the city centre. The City Hall asked for the march to be moved at the request of a number of religious and anti-LGBT groups. Those groups organised a counter-demonstration which was allowed to take place in the city centre on the same day.

Freedom of expression was seriously restricted in Transnistria. Both of the major newspapers were run by the de facto government while independent news outlets faced harassment. Local journalists and observers have commented that the mass media in Transnistria 'has not evolved since the Soviet era', and is used for ideological propaganda.

Freedom of Religion

Several religious groups complained of restrictions on their rights. A Muslim organization reported that the government had denied the group's bid to register numerous times without legal grounds.

While the law does allow for conscientious objection, there is no alternative service, only a fine. Jehovah's Witness reported that they were often subject to restriction based on their religious identity, particularly related to military service and were often prosecuted for objecting to military service.

In Transnistria, schools continued to use textbooks containing derogatory remarks about Jehovah's Witnesses with the de facto government's approval.

The Jewish community in Moldova has been subjected to occasional instances of anti-Semitic vandalism, such as the destruction of a Jewish monument and the painting of swastikas on the walls of houses.

Free and Fair Elections

Unlike previous years, there were no reports that the government interfered with the right of citizens or opposition parties to participate in the electoral process. In Transnistria, however, the de facto government fundamentally limited the right of residents to vote.

In the 2009 parliamentary elections, international observers reported that the elections were, on the whole, in accordance with international law. Despite this, opposition parties claimed that elections results had been fabricated. The following protests turned into riots and police responded with violence.

Freedom of Assembly

In February of 2009, peaceful demonstrators were attacked by masked men and the police failed to intervene. The protesters, from Amnesty International's Moldova office and other local

NGOs, were protesting the government's previous failures to uphold freedom of assembly. The masked men attacked the demonstrators, spraying them with paint and punching and kicking them. The demonstrators immediately called the police but there was no response. After the attackers were chased away, the police refused to come to the scene to collect evidence of the crime.

However, respect for freedom of assembly improved in Moldova following the elections of 2009. In Transnistria, on the other hand, de facto authorities rarely issued permits for public gatherings and often harassed participants in demonstrations that did take place. Most demonstrations that were allowed to take place were in support of the de facto government.

Economic Rights

Freedom of Association

In separatist Transnistria, de facto authorities granted the right of freedom of association only to people they recognised as citizens of Transnistria. Moreover, any non-governmental activities had to be met with the approval of the government. If they failed to meet this requirement, such organizations often faced harassment.

Forced Labour

The law protecting children from child labour practices was rarely enforced. Many families in rural, agricultural areas forced their children to work from a young age instead allowing them to attend school. Children were also forced to work in other spheres, such as construction and in markets. Inspections also found that many children worked in unsafe conditions.

The Labour Inspectorate Office recorded 101 cases of child labour law violations in 2009.

Conditions of Work

The LIO performed 5,112 inspections during 2009, half of which were health and safety inspections. During this period, the LIO recorded 34,165 health and safety violations.

While workers have the right to refuse to work in conditions they deem to pose a serious health or safety threat, no one exercised this right. Because of economic troubles, both business and employees were willing to risk health and safety.

Social Rights

Right to Health

According to local NGOs, Moldovan citizens' health 'depends mainly on living conditions, way of life, socio-economic factors and the level of education'. Roma, in particular, experienced poor medical care. This is partly due to the Roma populations' relative isolation from the mainstream community, but also because medical workers provided unequal treatment to members of the Roma community.

Persons with HIV also faced discrimination by medical workers. Among children, the incidence per 100,000 population of HIV in Moldova – excluding Transnistria – was 12.4. In Transnistria, however, the incidence was 42.3 per 100,000 population.

The percentage of stunted children resulting from malnutrition in Moldova was 8.4. In rural areas, the number was 9.2 percent. In the poorest 20 percent of households, the percentage of stunted children was 13.5 percent.

Right to Education

While primary education is free, many families do not send their children to school because they are needed to work in family businesses, especially in agriculture. Thus, children in families below the poverty level often do not attend school. Even if they are able to attend, they often begin later than more advantaged children, making their time very difficult. Many children quit after finishing primary school.

According to UNICEF, the quality of education is also worsening. Many teachers have left the profession because of low salaries.

Discrimination

Women

According to local NGOs, at least 40 percent of women in Moldova have been victims of at least one violent act during their life. While Moldovan law strictly criminalises rape and domestic violence, it appears that the government has done little to effectively combat these crimes. Additionally, there were no standards concerning the quality of victim support services. Many assaults went unreported because of either fear of societal stigma or because of insufficient legal remedies available.

Domestic violence was also closely tied to human trafficking. Local NGOs reported that over 80 percent of women that had been victims of trafficking had previously been subject to domestic abuse.

In Transnistria, there is no law criminalising domestic violence, and study by a local NGO reported that one quarter of women in the region suffered from some manner of domestic abuse.

Children

According to statistics from the Ministry of Labor, Social Protection, and Family, more than 25 percent of children reported being beaten by their parents. There were also reports of children being forced to beg and forced into prostitution.

Moldova experiences a great deal of migration, as citizens travel to other countries in search of employment. A devastating consequence of this is that many children are abandoned. NGOs estimated that 25 percent of children in orphanages had been abandoned when their parents left to search for work. These children were particularly susceptible to trafficking and labour exploitation.

Sexual Orientation

According to local gay rights organizations, members of the LGBT community suffered widespread discrimination from other members of society, the government and the Orthodox Church. In recent years, several politicians have made derogatory remarks about homosexuals and the government has refused to allow LGBT demonstrations and marches to take place.

Homosexuality is illegal in Transnistria and LGBT persons are subject to discrimination by the de facto government and by society as a whole.

Roma

Roma in Moldova suffer from discrimination, harassment and violence. Romani children, if they attended school, were often placed in segregated schools and were denied medical care. Police often harassed and arbitrarily arrested Romani persons, often coupling this with verbal and physical abuse. It was also common for authorities to use insensitive language referring to Roma.

Other Issues

Trafficking

Moldova was both a source and destination for trafficking. The majority of trafficked persons were women – 86 percent – but the number of male victims has increased in recent years. While men were trafficked mainly for labour exploitation, women and children were trafficked for labour and sexual exploitation. Overall, the majority of people trafficked were done so for sexual exploitation.

Because of official corruption in the country, Moldova has only taken minor steps towards the elimination of trafficking. Despite the collaboration between government officials and sex traffickers, no officials were prosecuted. NGOs reported that several judges issued light sentences to traffickers in exchange for money and that police harassed a journalist who was investigating trafficking.

Democratization

In 2009, Moldova experienced substantial political change with the dissolution of Parliament in June and the early elections that followed in July which resulted in the transfer of power from the Communist Party of the Republic of Moldova (PCRM), which had controlled the country since 2001, to the Alliance for European Integration (AIE), a coalition of four social-democratic and liberal parties. Prime Minister Vlad Filat and Acting President Mihai Ghimpu, led the AIE coalition and worked for many reforms throughout 2010, especially in the areas of free press, civil society development and judicial reform.

The AIE was unable to elect a president, resulting in institutional deadlock and extremely hostile relations between the AIE and the PCRM. Thus, in 2009, the government called a referendum to change the method of presidential election from parliamentary to popular vote. This effort was unsuccessful and the Constitutional Court called for the dissolution of Parliament, triggering Moldova's third legislative election in 18 months. The early election held on November 28, yet again, did not manage to produce a governing majority resulting in a continuation of the institutional stalemate. However, by the end of 2010, the three non-Communist parties in Parliament managed to negotiate an agreement to re-establish their coalition (AIE-2) and form a new government.

Moldova continued to strengthen its relationship with the European Union in 2010, demonstrating its continued commitment to reform. However, the ongoing Transnistrian separatist issue continues, despite international efforts toward resolution and the high hopes for progress at the Organization for Security and Cooperation in Europe's December 1, 2010, Astana Summit.

Democratic Governance

Despite these set-backs, the national government has functioned relatively effectively following the 2009 political crisis. Despite the government's failure to elect a president or form a ruling majority, the government was willing to engage with civil society, other political actors and the international community. Transparency increased in Parliament and a wide variety of meaningful reform legislation was passed. Freedom House's rating for national democratic governance for Moldova improved from 6.00 to 5.75 between 2010 and 2011. This was largely due to the AIE coalition's clear effort to reform the government and increase its openness.

Local governance in Moldova has traditionally suffered from a consistent lack of autonomy and capacity. Under the former PCRM government, central authorities maintained significant partisan control and currently, while legislation exists, the implementation of the legislative framework for independent and democratic local governance is lacking. This being said, the AIEled government has recently demonstrated a deepened commitment to increase the capacity of local government and decrease centralization. However, because these reforms are still in the early stages, Moldova's rating for local democratic governance from Freedom House did not change in the past year and remains at 5.75.

Electoral Process

The political crisis in Moldova that began in 2009 precipitated two national votes that took place in 2010. While a large majority of voters supported the introduction of a direct voting system for presidential elections, the mandatory one-third voter turnout threshold was not reached. Before the Parliamentary elections in November 2010, a number of important OSCE-recommended changes were applied to Moldova's electoral code and the elections were considered free and fair. Thus, Moldova's electoral process rating from Freedom House improved from 4.25 to 4.00 between 2010 and 2011.

Civil Society

In 2010, NGOs took advantage of the more open atmosphere and the new government's willingness to cooperate with civil society. Much of civil society activity focused on facilitating and

supporting European integration, thus attracting a high level of international support. While the government interfered with civil society organizations working on electoral issues in 2009, this behaviour was largely absent in 2010 when NGOs were able to effectively monitor elections and the press. However, these organizations remain heavily dependent on foreign funding which continues to threaten their sustainability. The activity of NGOs in policymaking and monitoring the media and elections improved significantly in 2010, as did cooperation between the government, civil society, and the international community. Therefore, Freedom House improved Moldova's civil society rating from 3.50 to 3.25 between 2010 and 2011

Media Independence

The Moldovan Parliament improved its policy towards media independence by passing the Law on Freedom of Expression in April 2010. This law brings domestic regulations regarding objectivity and censorship closer to European standards. A notable decrease in bias was reported on the part of the public broadcaster Teleradio-Moldova, which reported in a highly partisan manner under the former PCRM government. Media diversity also improved with the launch of two new television stations (Jurnal TV and Publika TV) and four new radio stations (Radio Sport, Aquarelle FM, Publika FM, and Prime FM) in 2010 following revisions in the legal framework. Due to many legislative improvements pertaining to bias and diversity, Freedom House reported that Moldova's independent media rating improved from 5.75 in 2010 to 5.50 in 2011.

Judicial Independence

There have been long-standing charges of police and judicial abuse in Moldova but, in 2010, numerous prosecutions were initiated aimed at addressing these problems. In addition, a law was passed that aims to improve the enforcement rates of court decisions. The Moldovan government has lost a number of cases in the European Court of Human Rights and NGOs have been working with the government and judiciary to decrease this statistic. Due to demonstrated commitment to and evidence of reform, Freedom House's rating for Moldova's judicial framework and independence improved from 4.75 to 4.50 between 2010 and 2011.

Corruption

Corruption remains a serious problem in Moldova with little progress being made in the past year. There was hope at the end of 2009 that the new government would crack down on embedded corruption but both Moldovan NGOs and international observers agree that widespread corruption remains a significant problem. In 2009, a report by Transparency International stated that 51 percent of Moldovans surveyed said they had bribed police officials. Judges were also accused of accepting bribes in exchange for lenient sentences. In 2009, a judge delivered a five-year suspended sentence for human trafficking, even though the sentence set by law is between 10 and 25 years. The judge was dismissed from his post.

Moldova's education system was also plagued by corruption, generally in the form of bribery and extortion. There were reports that university officials sold falsified travel and work documents to students. This lack of progress in addressing the issues of bribery and fraud in the governmental sphere as well as the wider society, resulted in Freedom House leaving Moldova's corruption rating at 6.00 for 2011.

Conclusions

Corruption and judicial reform will be the primary tests of Prime Minister Vlad Filat's government and its commitment to EU accession. In addition, there are low expectations of progress on the Transnistrian issue in the coming year in the absence of a reconfiguration of international forces in the region. There is also concern that the contentious relations between the governing AIE coalition and the PCRM may present a challenge to securing the parliamentary majority necessary to elect a president. Failure to secure this majority will result in yet another early legislative election, which will distract leaders from necessary domestic reform, waste precious resources and contribute to continued destabilization of the national government.

UKRAINE

Ukraine, like many former Soviet states, is still experiencing growing pains in developing a comprehensive human rights regime. In the past several years, Ukraine has been taken to the European Court of Human Rights for violations of the prohibition of torture and arbitrary arrest and detention, and for poor prison conditions. The government has taken steps – some great, some small – towards reforming the institutions upholding the rule of law. Despite these steps, Ukraine has one of the worst track records in the world when it comes to combating sex trafficking and hate crimes. Much of the world's child pornography originates in Ukraine and the country is also a primary departure and transit point for trafficked men, women and children. Despite the focus of international attention on these issues, the government has failed to substantially curb these activities. Ukraine has also seen a sharp rise in the number of attacks on racial, ethnic and religious minorities. Hate crimes against Crimean Tatar, Jewish, Armenian, Azeri, Middle Eastern, Asian and African communities occur at an alarming rate, while the lack of law enforcement effort at prosecuting or stopping these crimes is just as alarming. The following country report begins with a review of civil and political rights, includes a discussion of economic and social rights, an overview of the situation of the problems with discrimination, human trafficking and sexual exploitation and, finally, concludes with an evaluation of the current state of democratization in Ukraine.

Civil Rights

Torture and Inhuman Treatment

Ukraine ratified the Optional Protocol to the UN Convention Against Torture in 2006, but has yet to set up a national monitoring mechanism, as the Protocol requires. In 2009, Ukranian Helsinki Human Rights Union (UHHRU) reported having received 165 complaints of torture and inhuman treatment over the course of 10 months. The UN Working Group on Arbitrary Detention, following a visit in 2009, reported numerous reports of the use of torture and ill-treatment by the Ukrainian police, the *Militsia*. The Working Group also noted that the *Militsia* target minors in particular for torture during interrogation.

In 2008, two women were beaten and tortured by police in order to force them to confess to theft. One woman was kicked and had a bag placed over her head, restricting her ability to breathe. The other woman had pliers applied to her nipples. When both women refused to sign the confessions, the police forced them to sign documents stating their injuries did not come as a result of police interrogation. An investigation into the abuse was initiated and the offending officers were dismissed.

A report by UHHRU noted that the use of torture by police is widespread, as is the ineffective investigation of such incidents.

In 2009, the European Court of Human Rights issued nine judgments finding Ukraine in violation of Article 3 of the European Convention on Human Rights, the prohibition of torture and degrading treatment or punishment. In 2010, the ECtHR delivered nine judgments finding Ukraine in violation of Article 3. Eight of these decisions were for individuals tortured or subjected to degrading treatment in Ukraine, while the other, *Baysakov v. Ukraine*, was a case of the extradition of individuals to a country where they faced a legitimate possibility of subjection to torture or degrading treatment.

According to the Prosecutor General's Office, 28 law enforcement officials were convicted of torture during 2009.

The European Court of Human Rights, in 2010, again found Ukraine in violation of the prohibition of torture in regards to a group of prisoners that had been beaten in separate incidents in 2001 and 2002. In 2010, the government min-

istry responsible for monitoring police detention, the Human Rights Department, was closed and replaced with a smaller department with no responsibility to monitor possible acts of torture and ill-treatment by police.

Prisons

In 2008, Ukraine adopted the Criminal Justice and Law Enforcement Authorities reform with the intention of bringing the country's criminal justice system into accordance with international law. The act gave particular attention to pretrial detention, protection of victim's rights, improving conditions of detention and ending judicial corruption.

Despite this positive development, problems with Ukraine's criminal justice system persist. According to UHHRU, the lack of effective oversight in detention facilities allowed for poor conditions and of abuse of prisoners. Poor conditions of detention, in particular overcrowding, magnified the problem of tuberculosis in prisons. UHHRU has cited many cases of prisoners with medical problems being denied proper medical treatment. Dmytro Brius, who is serving his term at penal colony no. 14 in Odessa, has HIV, tuberculosis and hepatitis C. At the time of UHHRU's report (2009-2010), Mr. Brius had endured 18 months without being allowed access to a doctor or medical treatment.

According to the Council of Europe's Committee for the Prevention of Torture, aliens detained in Ukraine were denied basic human rights, including the right of access to counsel, the right to information regarding grounds of detention, the right to translation and the right to inform relatives.

Arbitrary Arrest and the Right to Due Process

In 2008, the UN Working Group on Arbitrary Detention visited Ukraine. In their report, the Working Group noted the following persistent issues: the practice of holding persons suspected of relatively minor crimes in detention until trial, the restrictions of contact between detainees and their families and the lack of effectual control of detention by the judiciary.

Several cases involving arbitrary detention were brought to the European Court of Human Rights. In the case of *Osipenko v. Ukraine*, the Court ruled that holding someone in a police station for several hours before confirming him as a suspect violated Article 5 of the European Convention on Human Rights.

Another consistent problem is delays in bringing criminal suspects before a judge. In the European Court case of *Korney and Karpenko v. Ukraine*, the Court found that holding a suspect in detention for eight days before being brought before a judge violated the 'promptness' requirement of Article 5 of the European Convention.

Right to Fair Trial

In 2007, the European Court of Human Rights handed down 110 judgements against the government of Ukraine, most on the right to a fair trial. UHHRU reported that the right to fair trial was violated by issues of lengthy court proceedings, political pressure on judges, inadequate court funding, lack of competent legal assistance and the inability of courts to enforce rulings.

Political Rights

Freedom of Expression and the Media

While domestic NGOs could freely criticise the government, journalists are often targets for interference and persecution. The UHHRU reported that, while showing significant improvement, freedom of expression was still hindered in various ways:

- Politicians and businessmen are often invited to lobby television and radio organizations to broadcast favourable news in exchange for a fee;
- Political debates broadcasted on television are often one-sided, with only the majority view being represented;
- Journalists are still subject to harassment and attack and investigations are rarely undertaken;
- Police detain journalists during peaceful demonstrations.

An unknown assailant attacked the head of the Bureau of Journalist Investigations, Serhiy Tsyhyla, after he printed stories criticizing the local mayor. Before the attack, Mr. Tsyhyla reported threatening phone calls to the police. Following the attack, he reported the incident to the police. The police began the investigation under the crime of hooliganism, and no result was achieved.

Police detained the editor of a local newspaper, Anatoly Banny, when he attempted to photograph authorities arresting a group of youth activists. After trying to destroy his camera, police threw him to the ground, handcuffed him and took him to the police station. After several hours of questioning and being forced to test for alcohol content, Banny was released.

According to the Institute for Mass Information, there were 31 cases of violence directed at journalists during 2008. Several of these cases included shooting at offices and, in one case, a local journalist's car was bombed. No one was injured and no one was found responsible. Most of these attacks were attributed to local politicians or businessmen in connection with organized crime.

In March of 2008, three former members of the Interior Ministry police were convicted of the 2000 murder of a journalist. However, there was still no investigative conclusion as to who ordered the attack.

Free and Fair Elections

There have been relatively few problems with free and fair elections in Ukraine. However, in September of 2009, local NGO Committee of Voters of Ukraine reported various problems with the new laws on presidential elections. The problems the NGO noted included authorities allowing voters to register on election day, limited NGO monitoring of elections, limited ability of candidates to challenge election results and lack of transparency of campaign funding. While most international oversight has praised recent elections in Ukraine, the OSCE ODIHR registered over 100 elections related violations between October and December of 2008. The majority was for hooliganism, but publication of illegal campaign material and bribing voters was also reported.

Freedom of Assembly

Between 2007 and 2008, the Ukrainian Helsinki Human Rights Union reported nearly a dozen instances of police or private security using force to disperse peaceful public gatherings. In these cases, the police neither identified themselves as police nor warned protesters of their intent to disperse. Moreover, in several cases in which private security firms used unnecessary force to break up protests, police failed to intervene. In 2010, security guards hired by a local city council beat protesters and journalists while police stood by.

In June of 2008, the Ukrainian parliament approved a law on assembly that required five days notice before any assembly, allowed use of force by police 'with no requirement for restraint', and failed to include the state's duty to ensure freedom of assembly.

On occasions in 2007 and 2008, local authorities refused to allow LiGa, an association for gays, lesbians and bisexuals, to stage events. Following LiGa's refusal to abide by the city's ban, the local authorities sent a written warning threatening to disband the association because of its illegal activities.

Economic Rights

Conditions of Work

There were 131 mining fatalities in Ukraine in 2010 and 151 in 2009. While the law provides that workers can refuse to work in unsafe conditions, trade unions claim that, in practice, most workers would not do this for fear of punishment or dismissal.

Labour migrants are at even greater risk of being subjected to dangerous work conditions. Moreover, the system of protection of the rights of labour migrants is still insufficient and in need of improvement.

Unions

Unions in Ukraine must register with the government. However, this registration process has been described as 'extremely burdensome', and was characterised by the International Trade Union Confederation as 'a restriction unacceptable by international labour standards'.

Social Rights

Right to Health

Ukraine is the most HIV/AIDS stricken country in Europe and HIV-positive people are often refused medical treatment. Sometimes this discrimination is because of lack of adequate resources, but doctors and other health professionals often deny care for no legitimate reason.

While the government has improved its facility to provide therapy for those suffering from HIV/AIDS, Ukrainian law enforcement officials continue to harass clinics treating HIV/AIDS patients. Human Rights Watch reports that '[p]olice have raided drug treatment clinics; interrogated, fingerprinted, and photographed patients; confiscated medical records and medications; and detained medical personnel in cities nationwide'.

In April 2011, the Committee on the Rights of the Child expressed alarm at the number of children suffering from HIV/AIDS as well as the number of children's fatalities as a result of HIV/AIDS.

Many patients in psychiatric hospitals suffer abuse at the hands of staff and hospitals continue to use archaic methods and medicines for the treatment of psychiatric disorders.

Right to Education

Ukraine's public education system suffers from underfunding and lack of attendance by children from poor families. In 2008, more than 3 per cent of children did not attend school. Presumably, most of these children were instead forced to work in agriculture, illegal coal mines or street begging. The United Nations Committee on Economic, Social and Cultural Rights has expressed concern with the lack of funding for education in Ukraine and the number of dropouts, in particular among ethnic minorities.

Discrimination

Non-discrimination clauses can be found in all human rights documents, including in both the ICCPR and the ICESCR. Despite its priority in human rights protection, there continues to be widespread discrimination in Ukraine. Due to the endemic nature of this problem in Ukraine, and the broad spectrum of rights that fall under protection against discrimination, this chapter will begin with a review of the myriad ways in which various groups experience discrimination in Ukraine.

The Ukrainian constitution explicitly prohibits discrimination on any grounds but this is rarely enforced in practice. This is owed, in part, to the ineffective nature of the judicial system, but also to the continued lack of legal provision for a protection mechanism. The result is discrimination on many grounds, including gender, age, ethnicity, religion, disability, sexuality, and HIV/AIDS status.

Women

Violence against women (rape, etc. and domestic violence)

Spousal abuse is illegal under domestic law but is still quite common. Reportedly, authorities often pressured women not to press charges against their husbands. According to reports, close to 40 per cent of calls to police are for domestic violence.

Shelters for abused women are not always accessible and remain closed for large portions of the year.

Discrimination/sexual harassment in the workplace

According to women's rights groups, sexual harassment in the workplace continues to occur at a high level. Such harassment also includes coerced sex.

Children

The government has taken great steps to reduce the number of street children in Ukraine. While the number was over 40,000 in 2005, it had dropped to under 15,000 in 2010. However, minority children, in particular Roma, continue to be neglected.

Religious

a. Anti-Semitism

Hate crimes against religious minorities have occurred consistently in recent years. In 2010, however, the government's commitments to eliminating hate crimes weakened. The Ministry of Interior Human Rights Monitoring Department, which included a hate crimes investigation unit, created to combat racism and xenophobia in 2008, was dismissed.

Various religious sites were vandalized during recent years. In 2008, Interior Minister Yuriy Lutsenko reported that there were 619 incidents of cemetery vandalism in the first six months of the year.

Ukraine had a large number of anti-Semitic attacks reported. In February of 2008, an undetonated explosive device was found in a synagogue. Instead of conducting an investigation, the local government built a fence surrounding the synagogue.

There were also many reports of anti-Semitic vandalism, including the painting of swastikas on Jewish sites and buildings.

b. Crimean Tatars

Human rights groups criticized the local Crimean government for continuing to allow schools to distribute and use textbooks containing insulting and historically inaccurate material about Crimean Tatar Muslims. Crimean Tatars also reported many incidents of employment discrimination and anti-Tatar and Muslim propaganda by mainly ethnic Russian officials.

Ethnicity/Race

In 2008, the European Commission against Racism and Intolerance reported an escalation of racial hatred in Ukraine. This is a result of an increase in the activities of foreign neo Nazi groups as well as local nationalist and anti-immigrant organizations.

According to the Ukrainian Helsinki Human Rights Union (UHHRU), Roma and those from the Caucasus continue to be the most frequent targets of discrimination. Illegal searches and detention of these people by police occur frequently. In 2010, the Chernihiv police began detaining all Roma at local police stations for the purpose of 'updating their existing databases'. This was done without any legal motive and those detained were done so solely on the basis of their appearance. In 2008, the Chirikli Roma Women Foundation reported that close to 70 percent of Roma in Ukraine had experienced some violation of their rights.

In 2008, human rights groups reported over 70 racially motivated attacks against Middle Eastern, Asian and African persons. Five of these attacks were fatal, all occurring in the capital of Kyiv.

The problem of racism and xenophobia begins at the highest level of the government. While the government denies any active propagation of xenophobia in Ukraine, authorities often promote 'the idea about existence of significant threats to Ukraine's safety and stability from the so called 'ethnic strangers'.

The government has written new laws increasing penalties for hate crimes. However, there appears to be a lack of will to enforce these new laws.

Language

Russian speaking communities reported that Russian speakers were at a disadvantage because of the growing use of Ukrainian in 'schools, college entrance exams, the media and the courts'.

In the majority ethnic Russian Crimea, Ukrainian and Tatar minorities complained of discrimination by Russian speakers and argued for Crimean Tatar and Ukrainian to be given equal status to Russian.

Sexual Orientation

Openly gay people in Ukraine routinely experience discrimination in employment, education and access to medicine. Ukrainian NGOs have criticised the government under President Yanukovich for sanctioning law enforcement officials' illegal gathering of information on drug treatment patients in order to ascertain their HIV status.

In 2010, 10 men entered a movie screening organised for the Transgender Day of Remembrance. The men attacked the audience with tear gas. The police referred to the case as hooliganism, instead of a hate crime, and the case remained open at the end of 2010.

Other Issues

Sexual Exploitation and Human Trafficking

A significant amount of child pornography continues to originate in Ukraine. However, the government has made several attempts aimed at reducing the incidence of child pornography. In 2010, the Ukrainian parliament adopted legislation including international definitions of child pornography and provided stiffer penalties for offenders. However, there remains no system of support for children that had been forced into child pornography. In the view of the UHHRU, the legislative changes represent positive steps, but 'Ukrainian society is too tolerant about the violation of the rights of the child', and a 'zero tolerance' approach to violations of children's rights is needed. In April 2011 the United Nations Committee on the Rights of the Child expressed grave concern over the amount of internet child pornography in Ukraine and the small number of criminal cases being brought against child traffickers.

Trafficking of women also remains a problem. While Ukraine has laws criminalising trafficking most convicted traffickers receive light sentences without imprisonment. Over three quarters of all trafficking victims were women forced into prostitution or household labour. Trafficked men were generally used for labour while children were trafficked for sexual exploitation, begging or forced labour.

Refugees and Asylum Seekers

Refugees and asylum seekers continue to face discrimination and obstacles. In 2009, the Prosecutor General overturned court decisions that had granted refugee status to 15 asylum seekers from Afghanistan, Belarus and Uzbekistan based on minor omissions. According to the UN High Commissioner for Refugees, the Prosecutor General's reasons were illegitimate. Moreover, the asylum seekers had no access to appeal against the decision.

Generally, asylum seekers face many obstacles including, according to Human Rights Watch, 'lack of access to lawyers in detention and failure by detaining authorities to transmit asylum applications to regional migration services.' Unaccompanied children are particularly at risk as they lack protection and the provision of state housing and are often detained.

A Human Rights Watch fact-finding mission in 2010 discovered that many migrants and asylum seekers detained in the border regions suffered inhuman treatment at the hands of Ukrainian authorities.

As of 2009, Ukrainian law did not provide protection for 'war refugees, victims of indiscriminate violence, or failed asylum seekers who could face the threat of torture or loss of life or freedom if deported.' In 2006, the Human Rights Committee recommended '*[t]he State party should not expel or deport aliens to any country where there is a risk of torture or ill-treatment, and should permit aliens to file an appeal from any first-instance deportation order before the deportation is carried out.*'

Democratization

While Ukraine has experienced relative improvements in democracy and pluralism in recent years, new challenges emerged in 2010 including the growing concentration of power in the executive branch reminiscent of the post-Soviet semi-authoritarian Ukraine of years past. The 2011 Freedom House Report on Ukraine shows in particular that judicial framework and independence, media independence as well as the quality of both local and national level governance declined in 2010.

Democratic Governance

In 2010, former Prime Minister Viktor Yanukovych was elected as the new President through questionable decisions by the Constitutional Court. In April, the court bent the law by approving the creation of a new parliamentary majority, and in October it reversed the constitutional reforms of 2004, justifying this on procedural grounds, ignoring the constitutional norm stipulating that only the parliament can amend the charter. With this reversal, the president regained control over the cabinet, the security service, and the prosecutor general.

While the new national government established in 2010 claimed to support greater power for local authorities, it instead worked to increase its own influence, even when these policies were at the expense of local government. Among other steps, the national leadership abandoned the previous administration's attempts to reform local government and consolidated power in the executive branch. The central government annulled the 2004 constitutional amendments with the supposed intention of strengthening the Ukrainian state. However, these measures served only to destabilize the already weak link between the government and its citizens, reducing the population's ability to influence state policy.

Judicial Independence

Judicial reforms enacted in July 2010 effectively subordinated the court system to the executive branch, stripping the judicial system of much of its remaining independence. The lack of safeguards and institutional integrity within the judiciary and active pressure from the newly elected politicians facilitated these destructive changes. Just weeks after a major, pro-government rearrangement of the membership of the Constitutional Court, the court sided with the government in the crucial ruling on the reversal of 2004 constitutional amendments that impeded democratic developments in both local and national level governance.

Media Independence

Since 2004 Ukraine has developed a relatively diverse and competitive media. However, in 2010, coverage of politically sensitive topics at most national television stations demonstrated a more pro-government bias. The government attempted to withdraw the licenses of two television channels, TVi and 5 Kanal, that criticized the regime and adopted a public television plan that some feel could result in greater political control. In addition, journalist Vasyl Klymentyev went missing in Kharkiv in August 2010, and it is widely suspected that he was murdered.

Conclusions

Ukraine's overall democracy score from Freedom house has improved from a 4.92 to a 4.61 between 2002 and 2011 thanks, in large part, to steady improvements between 2006 and 2008. However, the recent impediments to progress in governance, judicial independence and freedom of media pose challenges for the future of democratization in Ukraine. The enormous problems with discrimination and human trafficking also present major obstacles for Ukraine as it works to gain a place in the EU community where democratic norms and respect for human rights are held to be of great importance.

PART III

Current European Union Initiatives Related to Human Rights and Democratization in the Eastern Partnership Region

In addition to funding the new Regional Master's Programme in Human Rights and Democratization, the European Union is investing in a large number of other projects in the Eastern Partnership Region to improve the situation for human rights and to help facilitate the democratization process. Projects targeting these issues fall under different EU initiative categories. Of course there are many significant initiatives in the Governance, Democracy, Human Rights and Support for Economic and Institutional Reforms category, but also in the categories of Conflict Prevention, Human Development, Multi-sectors and Social Cohesion and Employment. The following section will give an overview of the relevant projects currently being funded by the EU in each of the Eastern partnership countries.

ARMENIA

The EU is very active in Armenia, sponsoring over 30 projects relating to the development of human rights and democratization. A brief description of the most relevant projects is provided below.

Governance, Democracy, Human Rights and Support for Economic and Institutional Reforms

The project entitled *'Accountability and Public Participation via FOI Implementation'* is intended to strengthen civil society in Armenia and is being implemented by the Journalists Club Asparez NGO. The EU is contributing € 113,160, which amounts to 89.21% of the total budget. The overall objectives of this 18-month project are to improve the public authorities' responsibility for public resources usage and increase public participation in local and state governance while expanding public control of budget funds. This project specifically targets all 286 communities in Armenia's three northern regions (*marzes*): Shirka, Lori, Tavush.

The *'Development of the Juvenile Justice Model in Armenia'* initiative seeks to enact legal and judicial reforms pertaining to the treatment of juvenile offenders. The EU will contribute a total of €479,999.80, amounting to 80% of total budget for this project. Penal Reform International, an international NGO based in the UK, will implement the project between 2010 and 2013 with the objective of promoting modern concepts and children's rights in the administration of juvenile justice in Armenia. The project also strives to strengthen the role of civil society in the promotion of a comprehensive legal framework for the treatment of juvenile offenders. The final beneficiaries of the initiative are: juveniles in violation of the law; their family members; service providers; and society at large.

Another project sponsored by the EU is entitled *'Effective Protection of Human Rights Through the Human Rights Defender's Institute as a National Preventive Mechanism in Accordance with the Optional Protocol of the Convention against Torture (OPCAT)'*. The EU will furnish 80% of the total budget, totaling an EU expenditure of €300,000.

The Human Rights Defender Office in the Republic of Armenia is implementing this scheme, which is due to conclude in March of 2012. Its objective is to support the establishment of the National Preventive Mechanism for the implementation of OPCAT, targeting the staff of the National Preventive Mechanism Unit, including NGOs in all the regions of Armenia. The final beneficiaries include: the staff of the National Preventive Mechanism Unit; civil society organizations, research institutions, universities and schools, legal professionals; and the media.

'Everything for Us-With Us' is a project aspiring to promote democratic values in civil society through advocacy for the rights of people with disabilities. It is being implemented by the Liarzhek Kyank Charitable NGO Association and is funded by €115,000 from the EU, which is 83.68% of the total budget. The initiative targets the Lori, Shirak, Gegharkunik and Aragatsotn regions in Armenia and is due to conclude at the end of 2012.

The Centre for Socio Economic Research and Analysis is currently implementing a countrywide initiative entitled, *'Facilitating Multi-Stakeholder Dialogue for Addressing Child Labour Issues by the Armenian Companies'*. The EU has contributed €150,000 (93.75% of the total budget) to this 12 month project that endeavors to decrease the utilization percentage of child labour by the private sector, eradicate the worst forms of it and secure reasonable employment for children that does not affect their health, personal development and schooling.

The project *'From the Legal System to the Independent Judicial Authority'* is being executed by the organization Femida and focuses on legal and judicial development in all the regions of Armenia. The EU is contributing € 108,444 (90.41% of the total budget) to this project that seeks to enhance the establishment of an independent judicial authority and promote judicial protection of the rights of the Armenian population.

The human rights project entitled *'Gender Based and Domestic Violence'* is currently being implemented by the Centre For Innovative Research and Development Association through an EU contribution of € 120,000, which amounts to 92.31% of the total budget. The objective of the project is the overall reduction of domestic violence in Armenia through education, heightened awareness and increased capacity of all stakeholders in rural parts of Armenia. The project will target the Syunik and Lori *marzes*.

Bioethics Legal Health NGO Association is currently implementing the project *'Increasing Public Awareness on the Right of Benefiting from Free Healthcare Services'* in Yerevan and all other regions of Armenia. The EU is funding 95% of this 12 month project with a grant of € 110,010. The objective of this initiative is to increase the recognition by all the citizens of Armenia of their entitlements to free healthcare services.

The EU has contributed €285,400 (100% of the total budget) to help introduce an e-governance system and modernize the existing database and its equipment for the State Registry of Legal Entities of the Republic of Armenia. Harmony Information Technologies and Education Development Fund Foundation has helped implement this project that facilitates the efficient, transparent and accountable work of the State Registry of Legal Entities by introducing an e-Governance system thus enabling publication of corporate information required by the law. The target groups are the State Registry of Legal Entities, the business community and citizens.

The EU has also invested €196,713.07 (100% of the total budget) into introducing e-Governance systems at the State Revenues Committee of the Republic of Armenia with the help of the AI Partnership Limited. This project introduced e-governance systems to the State Revenues Committee, developed and integrated these systems with an online document submission system and integrated an electronic signature system for the Armenian Government.

The Association For Cooperation of Youth is implementing a project on criminal justice that focuses on legal and judicial development. The

EU has contributed €130,000 to this project, which amounts to 92.86% of its total budget. The overall objective of the initiative is to improve the performance of the criminal justice system and its compliance with the international human rights standards in Armenia through the increased awareness among individuals of their rights.

This project will be implemented in the Tavoush, Gegharkunik, Vayots Dzor and Aragatsotn *marzes*.

The project entitled *'Local Self-Governance Club as Mass Media Assistance Tool'* is a civil society strengthening project implemented by the Information Educational Centre Contributing to the Development of the Local Government. The EU is providing €98,000 (79.35% of the total budget) to this 2-year initiative that assists in the reduction of human rights violations and other illegal practices occurring in the local self-governing bodies and in the decentralization and democratization in 4 *marzes* (15 communities) in Armenia. The target groups are journalists (reporters from the press and TV companies) and representatives from local self-governing bodies.

The project *'Support for Access to Justice in Armenia'* is another initiative that seeks to foster further legal and judicial development that is being implemented by the Council of Europe. The EU is supplying 95.24% of the total funds for the project (€3,961,502) and the project is divided into three components providing support to: the Chamber of Advocates; the improvement of training and education of judges and court personnel; and the facilitation of access to justice for socially vulnerable groups of population.

The EU is contributing €1,000,000 to support the Office of the Human Rights Defender of the Republic of Armenia in cooperation with the France Cooperation Internationale. This twinning initiative strives to improve the protection of human rights and the organizational capacity of Office of the Human Rights Defender of Armenia.

The organization Clovek V Tisni Ops helps implement a project that seeks to develop a mobilized and empowered system to prevent child trafficking in Armenia through awareness raising, capacity building and networking. With a contribution from the EU of €403,609 (90% of total), the project's goals are: to prevent the phenomenon of child trafficking in Armenia; to strengthen child security in Armenia; and to cooperate with state and social structures on these issues.

The French-Armenian Development Foundation partners with the EU to implement an initiative entitled, *'Promoting the Rights of Children and Adolescents with Mental Health Problems'*. With a €83,211 grant (74.16% of total) the project aims to promote the rights of children and adolescents with mental health problems in Armenia with the specific objective to establish and make available psychological services for special schools in Yerevan and in Vanadzor. The target groups are: children and adolescents with mental health problems from Yerevan and the Lori Region; their family members; mental health professionals from these regions; primary health care providers from these regions; students from the law faculties of the Yerevan and Vanadzor universities; mass media; and NGOs dealing with mental health and human rights issues. The final beneficiaries of this initiative are the general population and stakeholders dealing with mental health and human rights issues.

The *'Step Ahead'* project, implemented by the Helsinki Committee of Armenia, supports Armenia's democratic transition process and the promotion of European values, employing heightened awareness and education strategies to facilitate local human rights activists' functions. The EU is contributing €148,640 to the two-year project which amounts to 80% of total budget. The programme is being implemented in the Lori, Syunik, Tavush, Shirak, Aragatsotn, Vayots Dzor and Kotayk regions where a group of committed young individuals (regional active youth, students, local government representatives and the wider intellectual public) are being trained to become advocates of human rights and democratic principles.

To promote human rights for people with disabilities, the Armenian Camp Language and Sailing School is implementing an EU funded project entitled the *'National Sports Network: Sports Program for People with Disabilities'*. The EU is contributing €102,000 (79.90% of the total budget) over two years to promote the advancement of human rights for people with disabilities as they relate to sport; to monitor the status of people with disabilities' right to sport in all regions of Armenia; to develop and support mass sport and physical activity programs for people with disabilities; to promote social integration of disabled people in the Armenian society and to change the attitude of the society about the athletic potential of persons with disabilities.

'Empowering Young Women' is a project being implemented by the Center for Development of Civil Society with an EU grant amounting to €219,600.00 (79.02% of the total budget). The objective of the project is to foster democracy through civic education in Armenia by promoting the involvement of young women with vulnerable backgrounds in society and assisting them to become active citizens in Armenia. The project targets young women aged 17-25 from socially at risk families who are living in small urban communities of Armenia, women activists' networks and the general population of the 31 small urban communities of all *marzes* of Armenia.

The EU is contributing €633,853 (80% of the total) to a project entitled *'Promotion and Protection of the Rights of the Child'*. This project, implemented by the Save The Children Federation Inc, supports the functioning of central and local government and community based structures to identify and adequately address child protection concerns in institutions in Armenia. The project will target all *marzes* in Armenia including 40 communities within 17 cities and towns.

World Vision, an International NGO based in the UK, is implementing the project *'Reducing Violence Against Children in Armenia'* with the help of a €749,972 grant from the EU, which covers 80% of the total budget. The project seeks to improve the capacity and coordination of state agencies to protect children against violence within the current state structure and to improve domestic law and policy as it relates to child protection and services to better align with international child rights norms.

An EU Advisory Group to the Republic of Armenia has been set up with an investment of €2,000,000 from the EU and is being implemented by the United Nations Development Programme. This group offers comprehensive support to a number of key ministries by providing high-level advisers to support Armenia's reform efforts and by implementating the European Neighbourhood Policy Action Plan. They provide a balanced mix of policy, legal and institutional advice based on the EU's and member states' best practices. The key beneficiaries of EU Advisory Group activities in Armenia are: the Presidency; the National Assembly; the Government; the Judiciary; and the Human Rights Defender.

'Poverty Alleviation in the Regions of Armenia - An Integrated Approach to Provide Sustainable Community Needs Based on Social Assistance to All Community Needy' is a project providing support to poverty reduction in the regions of Armenia in close cooperation with the local authorities to make available sustainable needs-based and targeted social assistance to all eligible socially vulnerable groups. The Center for Community Dialogues and Initiatives is implementing this project with a 90% grant from the EU of €162,000. This project is targeting 50 communities in the 10 *marzes* of Armenia.

The project *'Support to Justice Reform in Armenia'* focuses on legal and judicial development with a €16,000,000 grant from the EU that covers 100% of the total budget. The organization Hayastani Hanrapetut Yun is implementing this project throughout Armenia and aims to improve the judicial system in the Republic of Armenia by promoting the rule of law and protection of human rights.

Conflict Prevention

The Caucasus Institute Foundation has implemented a project entitled, *'Building Capacity for Policy Debate in Armenia'* which focuses on strengthening civilian peace building, conflict prevention and conflict resolution. With an EU contribution of €180,000 (75% of the total budget), the project aims to enable pluralistic informed policy debate in Armenia. The target groups are: NGOs; mass media; educational organizations (schools, universities); research organizations; and researchers and students. The final beneficiaries of the project are: the civil society as a whole; media audiences; voters; political actors; and political parties.

Human Development

Women's equality organizations and institutions are benefiting from a project entitled, *'Entrepreneurship as a Tool for Raising the Role of Women in Society'*. The EU is contributing €120,650 to this 12-month project (95% of total), which is being implemented by the Media And Law Institute. The objective of the action is to facilitate the creation of equal conditions for women to do business and the integration of women into the business community in Armenia.

The Jinishian Memorial Foundation is implementing the *'Youth Engaged in Society, School Debate Club Creation Project'* that helps develop basic life skills for youth and adults. The EU is contributing €207,168.58 (76.74% of the total budget) to this project to help promote the development of civil society through the creation and development of debate clubs for secondary school students of Armenia. The project takes place in the Lori, Gegharkunik, Shirak, Kotayk, and Armavir *marzes* and targets youth, aged 14 to 17, attending 100 schools in 10-11 towns and in Yerevan. Each debate club will involve 15-20 students, thus the total number of target group will amount to approximately 2000 young people for each academic year. In total, the number of the direct beneficiaries of the action will be approximately 6000 students. The final beneficiaries are: the 100 participant schools' students; administrations; teaching faculties; and communities on the level of parental involvement.

Multi-Sectors

The EU is partnering with the Information Educational Centre Contributing To The Development of the Local Government in a project that will help support decentralization and democracy in Armenia. With a grant of €170,000.00 (87.18% of the total budget) this two and a half year project is targeting four *marzes* (regions) and 24 communities. The target groups are: the 24 participating citizens' groups (120 citizens); 48 representatives of local self-governing bodies; 72 community servants; and 14 representatives of mass media.

Social Cohesion and Employment

The Center For Regional Analyses is currently implementing a project aimed at improving employment policy and administrative management in Armenia. This 12-month initiative, *'Equal Employment Opportunities, Freedom from Exploitation and Protection of Labour Rights'* is partially funded by the EU with a grant of €130,000 (86.67% of the total budget). The objective of the project is to improve the protection of individuals' labour rights and to make labour-related transactions compliant with the legal standards established by national and international legal instruments. This project will target 6 cities: Abovyan (Kotayk *marz*), Kapan (Syunik *marz*), Vedi (Ararat *marz*), Gyumri (Shirak *marz*), Alaverdi (Lori *marz*) and Yerevan.

Through the project *'Trade Unions Strengthening Programme in Armenia'*, the EU is also pursuing improvements in employment policy and administrative management. The Creative Technologies For Human Development Association is currently implementing this project in the Tavush and Syunik *marzes* with the help of a €117,670.00 grant from the EU that covers 94.39% of the total budget costs. The overall objective of the initiative is to: develop the capacity of Armenian trade unions to influence policy-making affecting the social and economic rights of workers; raise workers' awareness on their rights; and educate and organize workers to take action to improve their economic and social conditions.

AZERBAIJAN

The 2007 European Neighbourhood Policy Initiative (ENPI) Action Plan for Azerbaijan (totaling €19,000,000 in EU investments) includes a €5,000,000 budget for twinning projects. A number of twinning projects were launched and are set to launch between 2009 and 2011 including some related to human rights and democratization. These include: *'Enhancing Effectiveness and Efficiency of Social Protection Policy Through Improvement of the Analytical and Forecasting Capacities of the MLSPP of the Republic of Azerbaijan'; 'Support to the State Labour Inspectorate (SLI) in Occupational Health and Safety (OHS) Enhancement in the Republic of Azerbaijan';* and Twinning Light *'Support to the Enhancement of the Capacity of the Ombudsman Administration and to the Development of Awareness on Human Rights and Discrimination'.*

In addition, the 2008 ENPI Action Plan provided another €22,000,000 for twinning projects including €16,000,000 in Sector Support for Justice Reform and €6 million for various twinning projects. Payment on the first tranche of budget support for the Sector Support for Justice Reform project will take place in 2011. One twinning project related to human rights and democratization is due to start in 2011: *'Strengthening the Capacity of the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan to Promote and Protect the Rights of Vulnerable Families, Women and Children'.*

In total, 23 grant projects were financed by EU within the 2007-2009 programmes, including 11 European Initiative on Democracy and Human Rights (EIDHR) and 12 Non State Actors in Development (NSA)/LA projects. The EU contributed a total of €6,020,000 for these projects.

Governance, Democracy, Human Rights and Support for Economic and Institutional Reforms

The main objective of the project *'Improving Legal Environment and Organizational Capacity of Civil Society Organizations (CSOs) in Azerbaijan'* is to enhance respect for human rights and fundamental freedoms in Azerbaijan by improving the legal and institutional framework for free exercise of the freedom of association, including the environment for registration and functioning of CSOs. Subsequently, this action will focus on the overall objective of developing the CSOs of Azerbaijan by helping to eliminate the existing obstacles for CSOs registration and functioning as well as strengthening them as actors in their local communities. This two-year project began on 16 November 2010.

The *'Ethical Journalism Initiative – Azerbaijan'* (EJI-A) is an EIDHR multi-project with an overall objective of promoting, reinforcing and renewing commitment to the ethical values of journalism which are: to respect the truth; to be independent and impartial; to seek to do no harm; to be open, transparent and accountable to peers; and to act in the public interest. Specific objectives of the project are: to raise professional standards of media through industry debate between media professionals; to reform media law and eliminate harassment and jailing of journalists; to improve safety of journalists; to improve capacity of the union to raise journalists' working conditions; to improve rights and equality for female journalists.

'Capacity Building and Training CSO Leaders in Azerbaijan' is an 18 month-project designed to create opportunities for CSOs to: develop broader and stronger relationships and raise the visibility and profile of the sector as a whole; develop Azerbaijani CSOs' capacity and skills to design and develop appropriate capacity assess-

ment and development plans; increase debate, knowledge and understanding of key issues facing civil society, especially needs through dialogue between civil society and local authorities; develop and improve Azerbaijani civil society organization actors' knowledge and skills to design, plan and manage organizational development processes through a comprehensive and dynamic training programme that will promote initiatives originating at the local level.

Human Development

The project *'Strengthening Civil Society Message - Meeting the Needs of Disabled Children and Their Families'* seeks to ensure that the needs and values of disabled children and their families are respected in society, as a result of increased support of vulnerable children, their families and necessary community-based services by the government and society as a whole. This 30 month-project began on 19 December 2008 and will conclude in mid-2011.

'Creating Livelihoods for Youth Program' is an initiative that aims to increase livelihood opportunities for marginalized youth through involvement and by strengthening the capacity of civil society organizations. The contract for this project was signed in December 2009 for a period of 24 months.

'Advancing Healthy Communities Through Responsive Local Governance' is a project that will contribute to the national efforts to improve the health of the population by strengthening the provision of PHC services, with a participatory and right-based approach. The contract for this project was signed in December 2009 and the initiative will last for 24 months.

Confliction Prevention

The *'Local Integration of Refugees and Asylum Seekers in Azerbaijan - Strategies for Improving Lives in Displacement'* proposal seeks to ensure that refugees and asylum seekers in Azerbaijan have adequate protection in accordance with international principles and best practices, specifically improved access to local integration during displacement. The duration of this initiative is 24 months and was implemented on 12 January 2010.

'Return and Resettlement - Children's Participation in Decision Making' proposes to empower internally displaced children in Azerbaijan ensuring that their concerns, opinions and desires in matters related to resettlement and return are included in the planning and implementation of the return and resettlement programmes of the Government of Azerbaijan. This programme will last for 24 months and was implemented on 14 October 2010.

Multi-Sectors

'Developing a Model for Cooperation Between Local Actors (LA) and NSA in Introducing Foster Care and Family Support Services' will develop a pilot programme of cooperation between LA and NSA on the local level regarding foster care services and family-type residential care in Small Group Home programmes for youth as an alternative to residential institutions in Azizbeyov and other neighbouring neighbourhoods of Baku. This project was implemented on 26 November 2009 and will culminate at the end of 2012.

Social Cohesion and Employment

'The Adult Training Centres as an Opportunity for Poverty Reduction, Education and Social Inclusion COPE' is a 30 month-project that was contracted in December of 2009. The project's overall objectives are to reduce poverty and promote the social integration of ethnic minorities through establishment of an Adult Training Centre (ATC) network as well as to offer educational services and to stimulate the important role of adult education in improving employability and social inclusion in rural areas of Azerbaijan. The project intends to build a partnership and enhance the capacity of the ATC network with local authorities and non-governmen-

tal organizations, thereby creating an effective educational system and ensuring its sustainability.

The project, *'Early Intervention and Social Inclusion in Society of Children with Special Needs'* will improve the quality of life of children with special needs (CWSN) by: establishing a pilot Early Intervention Training Methodology Centre in a region of Azerbaijan; creating a rehabilitation system for CWSN in the current government health care system; and establishing a Parent Organization to lobby for the needs of CWSN. This 24 month-project will finish at the end of 2011.

Rural Development, Territorial Planning, Agriculture and Food Security

'Strengthening 20 Village Municipalities' Capability to Provide Public Services (Safe Water Supply) in the Rural Area of Garabakh Lowlands of Central Azerbaijan' is a 36 month-project that began on 1 April 2010. The objective is to improve the water sanitation in 20 central Azerbaijan villages by: assisting in the refurbishment of current dysfunctional water infrastructure; developing community based water supply management by village municipalities; and assisting in the development of state policy on water pricing and quality control.

The project *'Community Approaches for a Healthy Environment and Poverty Reduction in Rural Azerbaijan'* will contribute to sustainable development and poverty reduction in six disadvantaged regions in Azerbaijan via innovative community outreach activities in the areas of water and sanitation and renewable energies by enabling the local populations to exchange best practices with other regions that have created successful projects. This two-year programme is due to finish at the end of 2011.

BELARUS

The EU completed negotiations with Belarus on a Partnership and Cooperation Agreement (PCA) in 1995 but, following the introduction of an authoritarian system of power by President Lukashenko in 1996-1997, the conclusion and ratification of the PCA was frozen.

Since 2007, the EU has extended cooperative development support to Belarus in two key priority areas: Social and Economic Development; and Democratic Development and Good Governance. For the period 2007-2011, a total of €46.07 million were dedicated to Belarus. The funding was divided between the two priority areas with 70% going to social and economic development and 30% to democratic development and good governance.

The EU's principal objectives for cooperation with Belarus continue to be to '*support the needs of the population, to directly and indirectly support democratization, and to mitigate the effects of the self-isolation of Belarus on its population.*' However, the EU's involvement in these processes is subject to progress by Belarus in these areas. If adequate commitment to reform is demonstrated, the EU has stated that it is ready to take further steps towards contractual relations with Belarus.

GEORGIA

The EU fully funds a small number of large projects in Georgia. The EU is very involved in the area of conflict prevention, which is relevant to human rights and democratization as the initiatives tend to relate to freedom of expression and provisions for Internally Displaced Persons (IDPs). In addition, the EU is currently investing in projects pertaining to the right to health, employability issues, criminal justice reform and food security.

Conflict Prevention

The EU aids in reconstruction relief and rehabilitation through projects such as *'Rehabilitation and Economic Development in the Zone of the Georgian - Ossetian Conflict and Adjacent Areas Phase IV'*. This project benefited from a 100% EU grant of €1,990,000 and is being implemented over a period of three years by the Organization for Security and Cooperation in Europe. The project targets the Georgian and South Ossetian population living in the conflict zone of South Ossetia.

In response to the war in 2008, the EU funded a project, implemented by the Eurasia - Georgia Partnership Foundation, entitled *'Strengthening the Media's Role as a Watchdog Institution in Georgia'*. This 30 month-project is also an effort to aid in post-war reconstruction relief and rehabilitation and is funded by a 100% grant from the EU of €529,539.00. This project's target group is the entire country of Georgia.

A project entitled *'Supporting the Integreation of IDPs in Kvemo Kartli Region'* again benefited from a 100% EU grant, this time for a sum of €1,000,000 and is being implemented by the Fundacion Accion Contra El Hambre in Kvemo Kartli, Georgia.

A final project aimed at reconstruction relief and rehabilitation in Georgia is entitled *'Supporting the Socio-Economic Integration of IDPs and Their Host Communities through Engagement in Active Dialogue and Decision-Making'*. The implementing organization for this initiative is the international NGO Oxfam but the EU provided 100% of the funding, totaling €1,000,000. The locations of this project are the Kakheti, Mtskheta-Mtianeti, Shida Kartli and Samegrelo regions.

Human Development

In promotion of the right to health, the EU is fully funding the *'Primary Health Care Reform Support Project'*. With a €5,000,000 grant, the Georgian Health and Social Security Projects Implementation Center is targeting the entire population of Georgia. Activities are taking place in the regions Kakheti, Kvemo Kartli, Samegrelo, Imereti, Adjara and Shida Kartli.

Multi-Sectors

The project, *'Support for the Vocational Education and Training Sector of Georgia ENPI AAP 2009'* is a long-term (6-year) multi-sector aid initiative that is fully funded by a €17,000,000 EU grant and is implemented by Sak Art Velos Respublika. The overall objective of this programme is to support the development of vocational education and training (VET) in Georgia to enhance the credibility and attractiveness of the VET system.

The EU also supports the reform of the criminal justice system in Georgia through a large number of ongoing projects. The EU has committed a total of €16,000,000 to these projects.

Rural Development, Territorial Planning, Agriculture and Food Security

The *'Georgia 2009 Food Security Programme'* is a four-year project, funded by the EU in partnership with Sak Art Velos Respublika. The EU has contributed €1,900,000 to this initiative, to assist the governement of Georgia to improve the design and effectiveness of state programmes related to ongoing child welfare reform, to increase capacity to assess the needs of children at risk and to expand the coverage of child protection.

MOLDOVA

The EU is involved in a wide range of projects in Moldova that range from conflict prevention in the Transnistrian region to democratic institution building and human rights protection. The EU allocated €500 million to support the country's EU integration objectives and €273.14 million has been allocated to Moldova for its 2011-13 National Indicative Programme (NIP) financed under the European Neighbourhood and Partnership Instrument (ENPI). This is approximately 50% more than was allocated under the previous programming period 2007-2010. €41.16 million of this funding is earmarked for the Eastern Partnership Comprehensive Institution Building programme (CIB), which is designed to assist Moldova with institution building for a number of core institutions.

The below report outlines a number of the current EU-funded initiatives in Moldova related to human rights protection and democratization.

Conflict Prevention

The EU has contributed €6,000,000, which amounts to 100% of the total budget, for a conflict prevention and resolution project entitled *'Republic of Moldova - Democracy Support and Confidence-Building Measures'*. This civilian peace-building initiative provides a response to the recent political crisis in the Republic of Moldova and the related concerns over the protection of human rights and the democratic functioning of state institutions. It also implements confidence-building measures between the two sides of the frozen conflict.

Governance, Democracy, Human Rights and Support for Economic and Institutional Reforms

The project entitled *'Consolidating Freedom of Assembly Rights in Moldova'* works to improve the right to peacefully assemble in Moldova with the help of an EU Contribution of €159,268 (accounting for 95% of the total budget). The Asociatia Resource Centre Of Moldovan Human Rights NGO is implementing this project from 04/2011 to 04/2013.

'Upholding the Human Rights of Victims of Human Trafficking in Moldova and Transnistria: From Multi-Disciplinary Assistance to Prevention' is a project that contributes to the protection and the enhancement of the respect for the human rights of victims of human trafficking in Moldova, including Transnistria, and enhances the prevention of human trafficking. The EU is contributing 50% of the total budget with a grant of €195,253. The Association Medecins du Monde is implementing this project from 04/2011 to 07/2012.

Another project in Moldova related to human trafficking specifically develops additional measures to fight child trafficking in Moldova with a contribution of €363,263 from the EU (90% of the total project budget). The Associazione Itaca Ong-Onlus is implementing this project from 06/2009 to 12/2011 to improve measures to prevent child trafficking by increasing public and institutional knowledge and awareness of trafficking and sexual exploitation of children in Moldova while building the capacity of state and non-state actors in preventing child trafficking. This project focuses on Chisinau and Transnistria.

The project *'Assessment of Rule of Law and Administration of Justice for Sector-Wide Programming'* is working to further develop the legal and judicial sectors in Moldova with the help of a 100% grant of €199,369 from the EU. The European Consultants Organization Sprl is implementing this project from 06/2010 to 10/2011 and will evaluate the justice chain from a sector wide and budget support perspective and conduct a needs assessment.

Capacity building is being conducted for the promotion of human rights and democratic institutions in the Transnistria region of Moldova by the Asociatia Resource Centre of Moldovan Human Rights NGO with €391,998 from the EU, which covers 80% of the total budget amount. From 12/2009 to 12/2012 the project will work to strengthen the capacity of 20 civil society organizations in 12 ex-Soviet countries, including Moldova, to effectively deliver testimonies of human rights violations to the general public, policy and decision makers both domestically and internationally.

The Council of Europe is implementing a project to provide democracy support and confidence-building measures in Moldova with a 100% grant of €4,000,000 from the EU. From 12/2009 to 12/2011 the project will work to strengthen: the judiciary; the prosecution service; the police; the ombudsman institution; the media; and the Parliament of Moldova through the application of the European standards in their work.

A project entitled *'FONI: Freedom of New Ideas' endeavors to strengthen civil society in the hands of the implementing actor, the European Public Law Organization'*. The EU Contributed €100,682 (85% of the total) to the budget of this 15 month project that runs from 04/2011 to 07/2012 and focuses on promoting freedom of expression, freedom of the press and freedom of speech among Moldovan youth.

'Invatam Democratia (Learning Democracy)' is another civil society building project that benefits from EU funding, (€143,599.14 - 80% of the total budget). The implementing organization , Consiliul Municipal Al Tinerilor Din Sectorul Hincesti Associatia is administering this project from 10/2008 to 10/2011. The overall aim of the project is to encourage young people over the age of 18 from three regions (Hincesti, Cimislia and Leova) to participate in parliamentary and local elections. The project targets 135 regional and local trainers comprising 9000 (approximately 70%) young people from the three regions.

The project *'Promoting Democracy and Human Rights in Moldova Media - a System Based Approach'* is being implemented by Universitatea Libera Internationala Din Moldova Institutie De Invatamint Superior Privata with a 95% grant of €148,086 from the EU. The project runs from 01/2011 to 07/2012 and seeks to improve the skills and abilities of journalists, legal experts and representatives of monitoring institutions and to prepare schoolteachers as ''multipliers'' of critical media consumption.

Institutia Privata Centrul De Reabilitare A Victimelor Torturii Memoria is the organization implementing an EU-funded initiative to help with the rehabilitation of torture victims from Moldova. The EU has contributed €150,000 (59.76% of the total budget) to this project which will improve the health status and quality of life of victims of torture and other forms of cruel and degrading treatment and defend their rights to appropriate reparation. This project runs for two years, from 03/2010 to 03/2012.

'Return to Democracy!' is an initiative with the goal of strengthening journalism capacities, improving governmental cooperation and advocating free media in Moldova. With €150,000 in EU funding (covering 63.41% of the total project budget) the implementing organization, Konrad-Adenauer-Stiftung Ev, plans to aid in the consolidation of a free and pluralistic media in Moldova and of a functional democratic state. During this two year-project, which runs from 04/2010 to 04/2012, the project intends to build capacities among journalists as well as officials and to develop platforms for interaction to advocate the freedom of expression and media in Moldova.

Another project is focusing on strengthening legal protection from and raising awareness of discriminatory ill-treatment in the Republic of Moldova, including Transnistria. With €142,897.37 from the EU (which covers 92.41% of the total project budget) the organization Asociatia Obsteasca Promo-Lex is working to increase the protection of fundamental human rights, to build capacity and strengthen the partnership and awareness among civil society actors

in the context of prohibiting discriminatory ill-treatment, and to increase the engagement of civil society and courts. This project runs from 03/2010 to 09/2011.

The organization Centrul Pentru Jurnalism Independent Institutia Privata is currently implementing a project that seeks to strengthen the Moldovan media capacity to cover issues of public interest. With an EU grant of €149,837 (92.30% of the total budget), this project runs from 04/2010 to 04/2012 and works to encourage journalists to commit to high-quality journalism through media monitoring and to improve professional standards of media output, thus bringing these programmes closer in line with audience needs and ethical and professional standards.

The EU has provided the United Nations Development Programme with €640,000 (80% of the total budget) to enhance the national preventive mechanism as per the provisions of the Optional Protocol to the Convention Against Torture between 12/2008 and 12/2011. The project targets: representatives of national preventive mechanisms; mobile groups; police; penitentiary; judiciary; psychiatric hospitals; mass media and other institutions involved in torture; and its prevention.

Multi-Sectors

The EU called for an increase of the budget of the 2007 call for proposals *'Preventing Harm to Children Affected by Armed Conflicts and Fighting Against Child Trafficking'*. This provided a 100% EU contribution of €11,800,000 dedicated to improving the status of and protections for children affected by trafficking and conflict.

Social Cohesion and Employment

The EU is also providing assistance to reform in the Moldovan social assistance sector with a grant of €20,000,000, covering 100% of the project budget. The project is being implemented by the Republic of Moldova and runs from 08/2008 to 07/2012. The goal is to reinforce Moldova-EU cooperation for addressing the priorities of the Moldova-European Union Action Plan as it relates to poverty alleviation.

The organization Asociatia Obsteasca Everychild Filiala Din Moldova is implementing a project related to social and welfare services reform. This project benefits from €197,669 (90% of the total budget) and is currently developing short-term foster care service for children with disabilities in Chisinau and Orhei.

UKRAINE

Governance, Democracy, Human Rights and Support for Economic and Institutional Reforms

A project entitled *'Accountability and Effectiveness of Ukrainian Judiciary Functioning (civil service component)'* was implemented by Wyg International Limited with the help of a 100% grant of €4,921,800 from the EU. This two and a half year-project's objective is to aid in legal and judicial development in Ukraine's judiciary and is located in Kyiv.

The EU is investing in a project for the *'Creation of a National System for Preventing Torture and Ill Treatment in Ukraine'* with the Kharkiv Human Rights Protection Group. A €696,680 contribution from the EU covers 69.73% of total budget for this initiative which aims to help set up a national system for the prevention of torture and ill-treatment that will affect all of Ukraine.

The *'Cross-Border Partnership for Sustainable Community Development'* is a civil society development project that is being implemented by the Small Business And Innovation Development Association Uzhgorod -Xxi-St Century. The EU is contributing €231,442, amounting to 90% of the total budget of this project that is being implemented in regions of both Ukraine and Romania. In Ukraine, the specific target area is the Zakarpatska oblast (Rakhiv, Tyachevo, Khust and Vynogradovo districts) and the target groups are: the local communities of the target region; village, town and district councils; district state administration in the border area of Zakarpattya in Ukraine; and local and national NGOs.

The Danmarks Statistik organization is implementing the *'Harmonizing the Ukraine's Official Statistics with the EU Statistical Standards'* project by introducing new indicators into macro-economic and structural business statistics and checking the impartiality of self-assessment of performance of the State Statistics Committee of Ukraine. The EU is covering 100% of the €150,000 budget for this economic and development policy improvement project.

The project *'Legal and Social Protection of Asylum Seeking and Refugee Children in Ukraine'* is a human rights project being implemented by the Dansk Flygtningehjaelp organization with the help of an 80% grant from the EU of €960,000. This two year-project is primarily located in Kyiv, Odessa, Vinnitsa, Zakarpattia and Kharkiv and targets the Government Asylum Authorities (GAA) within the Government of Ukraine as the primary duty-bearer upholding the rights of asylum-seeking and refugee children. Close links are being built with the Ministry of Family Youth and Sport (MFYS) as well. The action also targets civil society actors working on children and asylum in Ukraine

For two years the EU has funded a project entitled *'Strengthening National Mechanisms and Capacities for Elimination of Trafficking in Children in Ukraine'* to help combat the massive child trafficking problem in Ukraine. The EU has invested €596,559 into this project, which amounts to 89.99% of the total budget. The project has been implemented by Chernivtsi Oblast Youth NGO Suchasnyk and has been a nationwide effort, including the regions of Kharkiv, Zakarpattia, Luhansk, Uzhgorod, Kyev, Chernivtsi, Mykolayiv and Luhansk.

The project *'Support to Sustainable Regional Development'* falls under the economic and development policy/planning sector and is currently being implemented by the organization Grontmij Carl Bro. The EU is covering 100% of the cost of this project with a contribution of €5,994,975. The purposes of this contract are: to strengthen the Ukrainian authorities' capacity in policy formulation and decision-making process

for sustainable regional development; to establish a national financial instrument for regional development; and to assist the Ukrainian authorities in implementing a plan of activities for sustainable regional development. The project is being implemented in Kiev and all over Ukraine with Vinnytsa and Crimea as the pilot regions.

Another current project intended to improve economic and development policy and planning is entitled *'Support to the Development and Improvement of the Civil Servants Training System in Ukraine'*. With an EU contribution of €1,075,000 (covering 100% of the budget) the organization Ecole Nationale D'Administration is implementing this project with the objective to improve the quality of public administration in Ukraine to meet EU and international standards through the institutional development of the National Academy of Pubic Administration of Ukraine. The project is being implemented in Kyiv, in the National Academy of Public Administration of Ukraine. Representatives of four Regional Institutes of Public Administration located in Lviv, Dnipropetrovsk, Odessa, Kharkiv are also involved.

The Council of Europe is implementing a project on legal and judicial development with a grant from the EU covering 100% of the project budget (€5,400,000). This project, *'Transparency and Efficiency of the Judicial System of Ukraine'* is designed to ensure that the judicial system is transformed to be open in a free and fair way to all Ukrainian citizens and also to non-Ukrainians when relevant. The goal is that the civil society will be in a position to influence and check the integrity and fairness of the judicial system, ensuring, therefore, the correct implementation of the rule of law.

'Twinning on Support to the Academy of Judges of Ukraine' is another project targeting legal and judicial development. It has been awarded a 100% grant from the EU of €1,100,000 and is being implemented by the Center of Legal Competence Beratungs Und Forschungszentrum Zur Forderung Der Rechtskompetenz Auswartigerinstitutionen Verein. The purpose is to: support the strengthening of the institutional capacity of the Academy of Judges through the development of initial training curricula for judges (practical and theoretical) based on the Council of Europe relevant recommendations; develop relevant testing; and consolidate ongoing training programmes for judges with a focus on EU law.

The EU has also contributed €1,080,000 to a project entitled 'Women and Children Rights in Ukraine' with the EU's grant covering 90% of the total budget. This human rights protection project is being implemented by the Council of Europe and is based in Kyiv.

The *'Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase V'* project is currently being implemented to help with legal and judicial development in Ukraine. The EU is covering 100% of the budget for this project, amounting to a grant of €2,491,000. Universite Pierre Mendes France Grenoble is the implementing organization with the overall objective to: assist the Ukrainian authorities implement the Partnership and Co-operation Agreement (PCA); activate the European Neighborhood Action Plan (EN AP); develop the practical instrument that will replace it; and promote the envisaged Association Agreement (AA). The specific objective is to assist Ukraine in approximation of its legislation to that of the EU in all the areas foreseen by the PCA, the EN AP and the AA.

Conflict Prevention

In the field of conflict prevention in Ukraine, the EU is supporting a *'Consultancy to Set Up Custody Centres and Temporary Holding Facilities for Irregular Migrants in Ukraine'*. Ove Arup & Partners International is the organization implementing this initiative with a grant from the EU of €2,919,000, covering the entire budget. The EU sees this three-year project as a way to implement security system reform and improve the management of the security system in Ukraine. The objective of the project is to support to the Government of Ukraine, notably the Ministry of Internal Affairs and the State Border Guard Service, in establishing and/or

refurbishing and equipping custody centres and temporary holding facilities for irregular migrants. The project will target the Lviv, Zakarpathia, Chernivtsi, Khmelnytsky, Odessa, Lugansk, Donetsk, Kharkiv, Sumy, Chernihiv, Zhytomyr and Volyn oblasts, and Crimea.

Human Development

Within the women's equality organizations and institutions sector, the project *'Development of Gatekeeping Policies and Systems for Institutionalized and Other Vulnerable Children'* has been awarded a grant of €400,574 from the EU, covering 85.96% of the total budget. The United Nations Children's Fund is implementing this two year-project to introduce a gatekeeping system, first in pilot Khmelnitsky oblast and then to replicate the results at the national level.

The project *'Women and Children's Rights in Ukraine'*, implemented by the United Nations Development Programme, has been awarded an EU grant of €5,388,670 to cover 95% of the total budget. This three year-project aims to improve the human rights situation for women and children in all regions of Ukraine. The target groups of the initiative are: the Verkhovna Rada of Ukraine; the Government of Ukraine; gender civil society organizations; the mass media; the general public; the judicial system of Ukraine; the National Gender Machinery; and the general public.

The communication component of the *'Women and Children's Rights in Ukraine'* project is being implemented with a 100% EU contribution of €5,492,800. The goal of this project is to support the efforts of the government and civil society to advance the status of women and children's rights in Ukraine, and to foster gender culture across Ukrainian society.

Social Cohesion and Employment

The United Nations Development Programme is implementing a project for the EU entitled 'Community Based Approach to Local Development' in the multi-sector aid for basic social services sector. €12,000,000 (90% of the total budget) is being contributed by the EU for this project that supports local communities all over Ukrainian territory in addressing priority development needs through a social mobilization approach implementing small scale community-led initiatives. All 24 oblasts of Ukraine and Autonomous Republic of Crimea are involved in this project, which covers 1000 communities in 200 selected districts (8 districts by oblast and 5 communities by district in average). At the local level, the project partners with communities (community organizations, community activists, community members) and local authorities (*raiyon* councils, *raiyon* administrations, village councils and municipal councils). The target groups are: at least 1,000 community self-help organizations; relevant local administrations (village and municipal); *raiyon* and regional authorities carrying out the rehabilitation of basic social infrastructure; and municipal services within major project priorities including Health (local health posts network), Energy (energy conservation measures at local level, etc), Environment, Water Management, and Local Transport Systems.

The International Labour Organization is implementing the project 'Gender Equality in the World of Work' with the assistance of a grant from the EU covering 90% of the budget for the project (€1,093,407 in EU funding). The objective of this two and a half year-project is to improve the capacity of Ukrainian authorities and social partners by: ensuring respect for national and international gender equality commitments in the world of work; progressively eliminating gender biases in employment policies and sexual harassment at the workplace; and creating a supportive environment for women's economic empowerment and women's entrepreneurship. The target groups for the project include: the Ukraine Inter-Agency Council on Family, Gender Equality, Demographic Development and Countering Human Trafficking; governmental authorities of Ukraine (Ministry of Labour and Social Policy of Ukraine, Ministry of Family, Youth and Sport of Ukraine, State Department of Statistics, State Labour Inspection); the Public Employment Service; social partners (employers' organizations and trade unions); the general public; women-entrepreneurs; and business training institutions.

A project entitled '*Support to the Development of Mid-term Strategy for Improving the System of Social Benefits'* targets the social and welfare services sector in Ukraine and is implemented by the organization European Profiles Anonymi Etaireiameleton Kai Symvoulon Epicheiriseon. A 100% EU grant of €3,420,300 enables this project to support the Government of Ukraine in developing an advanced model and methodologies for projecting allocations for social protection based on reliable statistics. The project is located in Kyiv and selected regions for training (Crimea, Lviv, Kharkiv).

Rural Development, Territorial Planning, Agriculture and Food Security

One EU-funded project relating to sustainable local development is being implemented by Sogreah Consultants Sas with the help of a 100% EU grant of €4,981,500. This urban development and management initiative aims to promote and demonstrate, in a few mid-sized cities, a comprehensive and holistic approach to sustainable local development.

The organization Wyg International Limited is currently implementing an agricultural development project for the EU entitled '*Implementation of Ukraine's Commitments Under WTO and ENP Frameworks in the Rural Sector (Sector Wide Approach)'*. The EU has contributed €4,740,000 (100% of the total budget) for this initiative which supports the application of a sector-wide approach within the context of WTO accession and greater EU integration through implementation of the following components: food safety (in Kyiv, Lviv, Poltava, Cherkassy and Dnipropetrovsk); market infrastructure (in Odessa - wholesale market operations, Kherson - farmers' assembly market, Crimea - farmers' assembly market, Lviv - wholesale market, dissemination of the best local models and practices); and rural development (in Cherkassy and Crimea).

EU Regional Master's Programme in Human Rights and Democratization in Armenia, Belarus, Moldova and Ukraine

PART IV

The Regional Master's Programme in Human Rights and Democratization is an interdisciplinary programme established with the financial support of the European Instrument for Democracy and Human Rights (EIDHR) in 2010. The Programme is one of six Regional Master's Programmes in Human Rights and Democratization worldwide, established with support of the European Commission.

The interdisciplinary Master's Programme is unique in the entire post-Soviet area and is offered by the consortium of four leading regional universities: Yerevan State University (Armenia), Taras Shevchenko National University of Kyiv (Ukraine), Belarusian State University (Belarus) and the University of Political and Economical European Studies (Moldova). The Programme is also conducted in cooperation with the European Inter-University Canter in Venice.

The Programme strives to help students develop into qualified professionals with high levels of expertise in human rights and democratization in the Eastern Partnership Region. In addition, the Programme hopes to improve the academic environment and scholarship of interdisciplinary research and teaching in the field of human rights and democratization in the Eastern Partnership Region.

The Master's Programme is guided by the Bologna standards, including ECTS student assessment. Upon successful completion of the Programme, graduates are awarded 120 credits. The two main features of the Programme are its interdisciplinary approach and provision for student mobility.

The application of this interdisciplinary approach will provide students with a solid understanding of the cultural, historical, philosophical, political, legal, sociological and economic aspects of human rights and democratization.

The first and second semesters take place in Armenia, at Yerevan State University. The third semester is undertaken at one of the three partner universities in Belarus, Moldova or Ukraine. Students specialize in one of three tracks: Political, Legal or Interdisciplinary.

- The Political Science Track will be hosted by Belarusian State University;
- The Legal Track by Taras Shevchenko National University of Kyiv;
- The Interdisciplinary Track by University of European Political and Economic Studies in Moldova.

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