

Immigration and Refugee Board of Canada

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Responses to Information Requests

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14 January 2016

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Ukraine: The new law on police and its effectiveness; recourse and state protection available to private citizens who have been the victims of criminal actions of police officers in Kiev (2014-January 2015)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Police Reform

In correspondence with the Research Directorate, a professor emeritus, affiliated with the Centre for Russian and East European Studies at the University of Toronto, who has written extensively on criminal justice systems within the post-Soviet world, stated that a new law on police patrol was adopted and went into effect in the Fall of 2015 (Professor Emeritus 7 Jan. 2016). The same source further stated that "a number of police reform projects" were underway, including "anti-corruption measures more generally" (ibid.). Other sources state that the law "On National Police" was passed on 2 July 2015 (Lawyer 8 Jan. 2015; Visiting Professor 11 Jan. 2016). In correspondence with the Research Directorate, a lawyer, who is an Advocate Member of the Ukrainian Bar, said that the new law "on the national police" entered into force on 10 November 2015 (Lawyer 8 Jan. 2015). An English translation of the new police law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, a visiting professor at the University of Toronto's Centre for Criminology and Sociolegal Studies, who conducts research on police corruption in post-socialist states, indicated that "[s]ince November 7, the old *Militia* ceased to operate" with a new patrol police established in seven major cities by the end of 2015 and nation-wide expansion plans (Visiting Professor 11 Jan. 2016). The same source stated that the Ukrainian government hopes to have the new patrol force operational in 28 cities by March 2016 (ibid.). According to the Professor Emeritus, the emphasis of the reformed police unit is "[o]n Western style policing, with a service orientation, reduction of violence and corruption" (Professor Emeritus 7 Jan. 2016). *Foreign Policy* magazine states that by the end of 2015, the new force had been deployed in Kiev, Odessa, Lviv, and other major Ukrainian cities and that unlike the old post-Soviet *militsia* [*militsiya*] patrol police, the new officers refuse to take bribes (*Foreign Policy* 29 Dec. 2015). Reuters notes that the new forces "have been given less militaristic uniforms and the name '*Politsiya*' to mark a break with the old Soviet-style *Militsiya*" and that officers have "pledged to forsake the bribes associated with their job" (Reuters 6 July 2014).

According to sources, the new police force has received support and training from the governments of Canada, the United States (*Foreign Policy* 29 Dec. 2015; Reuters 6 July 2014) and Japan (*Foreign Policy* 29 Dec. 2015; Atlantic Council 16 Dec. 2015). The Organization for Security and Co-operation in Europe (OSCE) also indicates that it facilitated training programs in specialized areas such as domestic violence and human trafficking for Ukraine's new patrol force (2 July 2015). The European Union (EU) reports that an EU Advisory Mission to Ukraine (EUAM) was also granted a two year mandate to "strengthen and support the reform of the civilian security sector in Ukraine"; the mission has been operational since 1 July 2015 (EU n.d.). The Professor

Emeritus noted that Ukraine's police reforms are influenced by Georgia's model and a "number of Georgians are involved in running the police" (7 Jan. 2016). According to sources, only the Ukrainian patrol police have been reformed while other divisions of police remain unchanged (Professor Emeritus 7 Jan. 2016; *Foreign Policy* 29 Dec. 2015).

The Professor Emeritus reported that a key dimension of the reform plan is "the review (*pereattestatsiia*) of all existing police, a complex process involving written documents and interviews by commissions of professionals and laypersons alike" (Professor Emeritus 7 Jan. 2016). The same source indicated that this process aims to reduce the police force by at least one third or perhaps even half; the exercise began in November 2015 in selected areas and will likely take the entirety of 2016 (*ibid.*). The Visiting Professor similarly reported that "[t]he major anti-corruption measure in the Law on National Police is the personal attestation for all police personnel, nearly 180 thousand officers;" an exercise that "should be completed at the end of 2016, when less than 125 thousand [police officers] will be kept" (Visiting Professor 11 Jan. 2016). The same source indicated that in 2015, 47,000 police officers were dismissed, including senior officers throughout Ukraine (*ibid.*). Within Kiev, the source notes that 36 percent of interviewed police officers were dismissed, including the Chief of the Kiev Police (*ibid.*).

In the opinion of the Professor Emeritus, "it is ... early to assess the effects of reforms introduced recently," many of which are still underway (Professor Emeritus 6 Jan. 2016). The same source indicated that "[i]t will make sense to revisit this question in two to three years" when there is a greater "sense of what has and has not changed in Ukrainian policing" (*ibid.* 7 Jan. 2016). In correspondence with the Research Directorate, a Professor of political studies at the University of Ottawa who specializes in contemporary Ukrainian politics likewise reported that "[i]t is difficult to determine the efficacy of this law and its effect on corruption within the Ukrainian police since this law came into force only in July 2015 and the formation of the new patrol police force in various regions is still not completed (Visiting Professor 8 Jan. 2015).

2. Reports of Corruption and Police Abuse

According to the Professor Emeritus, "corruption is still rife in law enforcement overall, even if it has been reduced with the introduction of the new patrol units" (Professor Emeritus 7 Jan. 2016). The Professor of political studies also stated that some Ukrainian media reports suggest that corruption among lower-ranked police members decreased following the implementation of the new police law, while other media platforms continue to report on specific instances of corruption at both lower and top ranks of police (Professor 8 Jan. 2016). The source noted that, based on his assessment, corruption remains "one of the central issues" within the Ukrainian police force (*ibid.*). Reuters cites a June 2014 report published by the Razumkov Centre, an independent Ukrainian research group, as stating that almost 81 percent of individuals surveyed thought that "the fight against corruption was not working" (*ibid.*), 4). The US Department of State's 2014 *Crime and Safety Report* for Ukraine states that "corruption is a tremendous problem... and law enforcement agencies are part of the problem" (US 10 June 2014). The same source reports that low salaries, inadequate training, poor working conditions, and shortages of basic equipment contribute to "systemic internal corruption and general ineffectiveness" (*ibid.*). According to the US Department of State's *Country Reports on Human Rights Practices for 2014*, from January through September 2014, "[t]he Prosecutor General's Office opened criminal investigations involving 1, 236 police officers, mainly related to corruption and abuse of power" in Ukraine (*ibid.* 25 June 2015, 5).

Country Reports 2014 indicates that there have been reports of police and other law enforcement officials abusing and torturing persons in custody to obtain confessions (US 25 June 2015, 4). The same source states that during the first 8 months of 2014, the Prosecutor General's Office opened 8,236 criminal investigations into alleged torture or degrading treatment by the police, and of those investigations that were opened, authorities "forwarded 1,424 cases of alleged mistreatment to courts, including 28 cases specifically alleging torture or degrading treatment involving 43 law enforcement officers" (*ibid.*, 5).

3. Recourse and State Protection

Country Reports for 2014 states that "members of parliament have authority to conduct investigations and public hearings into law enforcement problems" (*ibid.*, 8). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The same source states that the Parliamentary Ombudsman for Human Rights [Ukrainian Parliament Commissioner for Human Rights] "may also initiate investigations into abuses by security forces" (*ibid.*). According to the website of the Ukrainian Parliament Commissioner for Human Rights [ombudsman], the Commissioner conducts inquiries or investigations based on petitions of Ukrainian citizens, foreigners, stateless persons and their representatives, MPs, and of his own volition (Ukraine 9 Dec. 2011). The same source notes that the Commissioner's jurisdiction extends to "persons who in one way or another perform the function of state authority" and that citizen complaints should be filed within one year of an alleged human rights violation

(ibid.). The Commissioner's website further states that complaints should be made in writing, by email, or through a meeting, to their office in Kyiv but that a service hotline is also operational 24 hours a day (ibid.).

According to the Professor of political studies, Ukrainian citizens may file complaints against the police with the police department, courts, and the media but notes that

corruption, politicization of the police, courts, and media, and lack of their independence from the government significantly hamper effectiveness of such venues, especially in cases of the police harassment and misconduct against people who oppose the current government or do not have sufficient financial resources. (8 Jan. 2016)

Information on the effectiveness of recourse and state protection was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The Professor Emeritus stated that in the past, police complaint mechanisms have been "ineffective in most instances" and sometimes lead "to reprisals against the complainants" (Professor Emeritus 7 Jan. 2016). The same source states that "there remains little chance of police protection for most citizens in Ukraine, and that this will not improve during the early stages of reform" (ibid.). The Visiting Professor indicated that "[t]here is no independent system to file police complaints so far and no plans to establish it" (Visiting Professor 11 Jan. 2016). He also noted that a "complaint button" on the website of the Ministry of the Interior does not operate efficiently (ibid.). The same source further suggests, however, that "some local experts ... find high anti-corruption potential [in] the current police reform in Ukraine" (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Canada – Embassy to Ukraine; European Union – Advisory Mission in Ukraine; Kharkiv Human Rights Protection Group; OSCE – project in Ukraine; Ukraine – Office of the Ukrainian Parliament Commissioner for Human Rights (Ombudsman); Ukrainian Helsinki Human Rights Union; Vinnytsya Human Rights Group

Internet sites, including: Agence France-Presse;; Al Jazeera, Amnesty International; BBC; *Bloomberg Business*; Canada – Embassy to Ukraine, travel.gc.ca; Deutsche Welle; Freedom House; Human Rights Watch; INTERPOL; IREX; *Kyiv Post*; Organisation for Economic Cooperation and Development (OECD); Russia Today; Transparency International; Unian Information Agency; Ukraine – Embassy to Canada, Ministry of Interior

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