

Annex C

UKRAINE

I arrived at Kiev airport from Budapest at 14.30 on 14 September and was immediately struck by the lack of aircraft from other airlines. The only colours in sight were those of Ukraine's national airline. Similarly, for an airport of such an important capital, I was surprised to find that all aircraft were parked away from the terminal building and that we were to be transferred by bus.

As I entered the terminal and approached the passport control I sensed a distinctly official and somewhat unwelcoming atmosphere. Young military soldiers stood around attempting to usher people into the queues, one for diplomats, two for Ukrainian citizens and two for the rest.

I was also somewhat surprised by the very assertive attitude of the young lady behind the desk as she indicated that I should step forward to have my passport and immigration form checked. Throughout the process she appeared intent on adopting a somewhat stern and aggressive manner; I confess that I felt obliged to comply with her instructions. On completion, having been given back my passport, I thanked her and wished her a good day, to which I was pleased to note she then smiled. With that response I began to think that possibly it was not as bad as I had first imagined and that it was all in my mind.

Outside my driver was waiting with a sign and my name on it. He was a pleasant young man who regrettably spoke little English. Notwithstanding, by a mixture of international sign language and intonation we managed. Our drive from the airport to the outskirts of the city was along a relatively new 8 lane straight dual carriageway. The traffic was light and along with everybody else my driver took advantage of the situation by driving at some speed. I was immediately struck by the differences in age and road worthiness of the various vehicles, from modern 4 x 4's to old rusty cars and trucks from another era.



As we approached the city outskirts I began to see large numbers of very tall high rise blocks of flats. Some were clearly a number of years old, whilst others were still under construction. A massive project was underway, all apparently designed to meet the increasing housing needs of Kiev.

High Rise Apartment Blocks in outer Kiev

On entering the inner city area I was reminded of driving in parts of Rome and Naples where the rules are simple – he who is front has right of way. Needless to say, everyone was attempting to be in front. That said, people did obey the traffic lights, which is more than can be said for Naples.

During the journey from the airport my host, Roman Koval, called on his mobile to discuss our first meeting. Roman is the Director of Ukrainian Centre for Common Ground (UCCG), an inspiring NGO that is working diligently to promote change within the criminal justice system of Ukraine. He agreed to meet with me at my hotel two hours later.



We eventually arrived at the President hotel, my base for the next week. The hotel was one of a number of new such facilities in Kiev. My room was on the 9th floor from where I had a view over part of the city. I was again struck by the number cranes towering above yet more construction sites, one being what I later established was a new glass fronted office block.

View from my hotel

Roman duly arrived at 16.30. Having completed the introductions he described how he had arranged for me to meet, at 17.00, a lady called Ruslana Bezpal'cha, who specialises in work with abused young women in Ukraine. I will describe the outcome of this meeting later.



After our meeting with Ruslana, Roman offered to provide me with an introductory walk into the city centre, approximately half a mile from the hotel. The time was now about 19.30.

Evening in Kiev

The city certainly had a lively atmosphere. Roman took me to a Ukrainian fast food restaurant where I was introduced to some local dishes. The place was full on young people, most I suspected were students. Having paid for my meal it was clear why. I had a tray of quite healthy food, including a salad and a light beer, all for just under £3.00.

After finishing our meal we walked further into the city centre. Here I was shown landmarks to use during my exploration over the weekend. At first I was somewhat unnerved by the number of people who were walking around the streets drinking bottles of beer and wine. I was assured by my host that this was normal practise and nothing to be concerned about.

Over the weekend I walked extensively in order to take in the sights and gain a greater insight into this large vibrant city and its people.



Kiev has some very interesting buildings and churches stemming back over a long period of time. Numerous historic influences can be seen in the different styles of architecture and monuments. Equally, new buildings, including hotels and office blocks, are bringing a new dimension.

Kiev's principal Church

Apparently the last Eurovision Song Contest in Kiev was a great success and has encouraged a drive towards the promotion of increased tourism; hence the hotels.

On the Sunday I noticed many families out walking in the parks. A large number of young people were also enjoying themselves, chatting in cafes or on seats around the central part of the city.



One of the main television companies was putting on a live open-air pop concert celebrating a period of the company's work; the area was buzzing. Young Ukrainian women struck me as being particularly attractive and fashion conscious; I was unable to ascertain how they managed to afford their clothes and accessories.

Kiev City Centre and its Young People

Ukraine has a population of nearly 48 million people. Following the change of regimes, many of the social issues that I saw in Estonia and Hungary were also apparent here. Although I sensed that family and religious values still remain an important part of life, the elderly again appeared most affected by the process of change. Those without savings or supportive families could be seen trying to sell

cigarettes, plastic containers of raspberries or small bouquets of flowers, all in an effort to seek out an existence. Begging was apparent, particularly by those from a Roma / gypsy background. I saw one man standing behind an old rusty set of bathroom scales in an effort to get passers by to weigh themselves for which they would then contribute to his bowl of loose change.

With a history for large grain production and other farm produce, Ukraine was once described as the 'Bread Basket' for this part of Eastern Europe. Since then, like so many other countries, there has been a steady flow of people moving from rural areas to the cities, all of which has increased demand for housing and placed more strain on other aspects of infrastructure and social needs. Traffic is increasing, and as I mentioned earlier, new blocks of flats are rapidly being built and other properties converted. What was particularly interesting was the cost of such accommodation. Some relatively small flats are apparently being sold for in excess of US\$250,000. I was not sure who was able to afford such prices? Clearly the change of regimes in 1991 provided opportunities for certain groups of society to make considerable gains and profits; wealth by the minority is very apparent and it was suggested to me that abuse of power and position was and still is prevalent.

Elegant Apartment Block

All that said, and not in any way wishing to excuse such abuse, the political situation is still unfolding. As many readers will recall, after the Orange revolution the country was very much divided – east and west. The President was allegedly



poisoned by the opposition, resulting in the skin of his face being permanently disfigured. The struggle for power continues. What I found interesting was the fact that the President subsequently invited the opposition leader to become Prime Minister. Some suggested to me that a result he had lost considerable power and influence, so much so that he is now a 'lame duck' President. As an outsider looking in, I believe this was a courageous and visionary decision that has ensured the country remains united during what is still a massive period of change. Had he not done so, one is left wondering how relations between east and west Ukraine might have unfolded. Suffice to say, many of those I met are still sceptical about politicians and their personal agendas. The fact that corruption still exists and that power from the centre still dominates the process is clearly undermining levels of trust and promoting some uncertainty and scepticism about the future. Equally, Ukraine is undoubtedly on the move and I suspect that it will not be too long before we see the impact of change and its influence upon the European stage.

Against this background I will now endeavour to relay my findings regarding issues surrounding youth crime and Ukraine's endeavours to address it. As you would probably expect, there is a mix of good and not so good news.

Earlier I mentioned my meeting with Ruslana Bezpal'cha. She is psychologist who specialises in issues surrounding young women, particularly those suffering rape and other forms of sexual abuse, something she described as being widespread. She highlighted that such issues are part of a closed system and that whilst people know it goes on, nobody is willing to testify or talk about it. Rather many people see the situation as being 'normal'!

Whilst conducting research into the magnitude of the problem within Ukraine, Ruslana has also been endeavouring to promote the subject into the public domain. She believes that the problem is enormous. She referred me to a Child Rights Protection Paper that suggests one in ten girls is abused in Ukraine.

Apparently it is recognised that in some Ukrainian institutional homes for young women and girls, rape by staff is common place, so much so that the young women themselves believe it to be normal practice and something that they have to accept. Reform is being talked about. In her research she has spoken to teachers and social workers. Many have suggested to her that whilst knowing what is going on, they are not prepared to talk about it publicly. Ruslana suggested that this unwillingness stems from the shame of having already ignored it. She also believes there is a fundamental lack of training in how to deal with such cases when they arise. Interestingly, young women who are abused by their father or step-father are often reluctant to tell their mother that it is happening. This is out of a mix of loyalty to their mother and of fear of the consequences, including the man leaving and therefore not providing for the family.

Ruslana is receiving increasing numbers of telephone calls from girls describing their experiences and seeking advice and support. She explained that there are 7 centres in Ukraine with trained staff; however, those who work within the Social Services environment are apparently not well paid and the salaries are not attracting people with the ability, skills and willingness to undertake such demanding work. She suggested that the limited funding so far provided has been distributed to small organisations and that a more strategic approach is urgently needed. Unfortunately, it seems that bureaucratic structures are blocking progress and that State owned systems are failing. Ruslana suggested that the involvement of NGO organisations is critical; however, within the current structure such organisations have little influence. She is striving to promote increasing public awareness for the recognition of what she says are major social and political issues. Ruslana intends to take her research to the media via radio and news papers.

She also described to me how there is strong evidence of criminal networks that specialise in the trafficking of children and young people, particularly girls, through a number of East European countries into Germany and elsewhere in West Europe. The girls are often sold into prostitution. This tied in with information that I was given in other countries, particularly the US Embassy in Bulgaria. Some young women are apparently used for the trafficking of unborn children who are subsequently exploited in various ways or sold. The mothers apparently receive payment for their children and are then repatriated. Young people from ethnic minority groups or those living below basic poverty levels are particularly vulnerable.

I was struck by the fact that Ruslana appeared to be conducting her work with little or no support from Ukraine's authorities. One can only hope that her endeavours will soon be recognised and that other organisations and the media will come to her assistance.

On the Monday I was taken to UCCG's office, a converted flat in a somewhat tired apartment block, where I was introduced to Roman's committed staff team and briefed on the programme that had been arranged for me, all of course subject to final confirmation. Having gained an overview of UCCG's work I was taken by taxi to meet my first NGO, 'Kyiv – Home City', an organisation providing support to ex-prisoners on their return to the community. I was again struck by the fact that highly committed people were working with very limited resources. This NGO has been operational for 7 years and helps all ages of ex-prisoners by providing support both within the 'Colonies' (prisons) and in the community. With little assistance from the State justice system they endeavour to establish the backgrounds of prisoners including links to families. Most prisoners are orphans and do not have any family. The charity provides advice, information and guidance and the provision of official documents. I was told that they also assist with clothing, food and accommodation. Five staff members are currently working with 102 people. On average they help up to 3-400 each year. Last year 293 people were assisted into work and only 8 re-offended. I think there are many in UK, both statutory and voluntary who would be hard pressed to match such impressive outcomes with such limited resources.

Whilst there I was introduced to a man who had served 22 years in prison. He is now 36 years old and had gone to prison at 14 years of age for apparently committing some relatively minor crime. Unfortunately, shortly after starting his sentence he killed another prisoner. He told me that had he not done so, the other person would have killed him. On leaving prison he had nothing – no family or home to go to, no rights, no identity papers, no skills and no work. Critically, the world had changed dramatically, so much so that he was totally at a loss as to what had happened, what to do and where to go; he is now being supported by Kyiv – Home City. I was advised that the Ministerial response to such circumstances is not to talk about them. Balyasna Lina Mykhajlivna is the

Director and CEO of the NGO. She is clearly a tenacious lady who told me she is determined to change the injustices that she believes exist.

Importantly, although very much dependent upon Foundation (Charity) support, the NGO is being acknowledged by both local and national government authorities and is receiving at least some associated funding. Lina was nevertheless very concerned about future funding and was hopeful that I might be able to assist by promoting her work.



Construction work in Kiev

The following day I again travelled by taxi across Kiev to meet another NGO, the Institute for Drug Abuse and Drug Related Crime. This organisation has been operational since 1998. It runs 6 programmes for drug addicts and a separate one for alcohol addiction. Because alcohol is considered more socially acceptable in Ukraine, alcohol abuse currently lacks the same emphasis

as other drugs.

Members of the team included Psychotherapists, Doctors and support workers - some of whom are ex-users and offenders. Of note, 3-4 staff work with up to 12 clients. Nearly 20% of its funding is from the state. This is expected to increase soon. The remainder is provided by the HIV Alliance Fund and the Soros Foundation.

I was particularly heartened by the vision and understanding within the organisation. The Chief Executive, Lischuk Roman, had a strong strategic view of the future and recognised the need for Third Sector organisations in Ukraine to deliver a professional and business like approach to their work. He highlighted the need to promote long-term rehabilitation, re-integration training and social re-orientation.

We discussed the concept of encouraging greater voluntary work and promoting support from the Business Sector. While it was greed that this was desirable, I was advised that such engagement by society is not something that is likely to arise in the short-term. The transition to independence has been difficult and the people of Ukraine are apparently currently too focussed upon their own situations and survival to worry about others.

Roman also expressed concern that few NGOs were interested in co-operating with State structures, particularly the Police, and that they often failed to recognise the need to establish sustainable funding via the State. Equally, he

pointed out the State tends to neglect the work of NGOs and that there was a real need for greater dialogue and understanding. I explained that the UK had only recently recognised similar requirements and that change does not come easily when people are afraid of stepping outside their comfort zones or giving up what they believe is their position of power, control and influence. I suggested that there was scope for increased contact between Ukrainian and other West European NGOs including links with the trans-national arm of ACEVO <http://www.3rdsectorleaders.org/> .

Between my visits to these two NGOs I had a most interesting hour with a lady called Lavrovska Iryna Borysivna. She is a senior consultant and statistician in the Department of Court Practice and Statistical Analysis; she produced a mass of information on levels and types of crime in Ukraine that she had collected between 1992 and 2005. Information was detailed and included ages and gender of offenders, type of offending and type of sentencing. It was actually the most detailed statistics that I came across throughout all of my travels – more in a moment.

Over the next few days I met with three other key people with responsibility for issues surrounding youth crime and sentencing. My first was with Tsymbalyuk Myhailo Myhajlovych, Head of Ukraine's Criminal Militia (Police) on Juvenile Offenders at the Ministry of Internal Affairs. The second was Lazorenko Olexiy Olexandrovych, Head of Kiev's Regional Department for Criminal Militia on Juvenile Offenders at the Ministry of Internal Affairs and the last was Olijnyk Yuriy Volodymyrovych, Head of Ukraine's Sentences Enforcement Service at the State Penitentiary Department. During these meetings other statistics and information were revealed. In the following paragraphs I have attempted to join all this information together, outlining my findings.

Notwithstanding the fact that I found myself toasting Ukrainian and UK health and its young people with hot chilli and honey based vodka, a unique and not unpleasant experience, it was during these meetings that I became very aware of the effort by Ukraine to divert young people, particularly juveniles, away from the criminal justice system (CJS). Whilst there is still a long way to go, the recognition for the requirement is real. Some of this policy reform is based upon research in Sweden, the Netherlands, Canada and the UK. Two of my hosts had already visited UK during the last few years.

On average Ukraine's the prison population is 166,000 - third highest behind the USA and Russia. Of note however, 5-7 years ago the prison population was 220,000. In addition, in 2005, 3,626 juveniles were in prison. Currently, 2,500 children are held in separate institutions, 11 for boys and one for girls. The decline is to a great extent the result of the country's efforts to provide alternatives to custody. Presently, there are approximately 160,000 people under some form of Probation supervision, 8,000 of these are juveniles. That said, regrettably, as we have tended to observe in the UK, Probation services are

currently focussed on sentence enforcement and there is insufficient means of delivering meaningful programmes of intervention and support. Approximately 42% of those offenders who have been on previous Probation supervision end up in prison. Ukraine simply lacks trained and experienced people capable of working positively with offenders, particularly within the Police. However, over the last two years there has been an effort to increase the level of State provision by social services, psychologists and police.

One of the methods of reducing access to the CJS has been to introduce a 'value' to the cost of a crime. Only those cases that exceed the minimum level of 500 UAH (approximately USD100) result in charges being made. This policy has recognised that regrettably many juveniles do commit minor offences, often not appreciating the damage and consequences of their actions or understanding their responsibilities. In order to address this, following a concerted drive by UCCG, Restorative Justice (RJ) is now becoming a focus of attention along with warnings and plans to introduce more alternative community based options.

Although there have been complaints from members of the public, the reforms have recognised that previous low tariff cases were not achieving a meaningful return on the investment of court time, money and sentencing. Rather, by redeploying the money and resources towards alternatives, including RJ, the cost benefit is improved, both in the short and the longer term. It has also freed up the courts to deal with more serious crime thus helping to reduce the time that accused people are held on remand. Other reforms have included an increase in the level of conditional and deferred sentences, often up to 2 years. I was told Ukraine believes 90% of juvenile cases could be dealt with more effectively through RJ with an emphasis upon parents and guardians taking more responsibility for their children. All of this is reflected in the latest Presidential Order 2005 Article 13, with Kiev region being used as the main pilot area. This Order sees the integration of those Social Service staff working with families whilst also integrating with Police and other Internal Affairs organisations. Although as yet there is no formal Juvenile Justice System, I was told there are plans for it to be introduced. The model appears similar to the Youth Justice Board, Youth Offending Teams and Youth Panels in England and Wales. It is interesting to note that, with the exception of very serious crime such as murder, the age of criminal response in Ukraine is 16; in the more serious cases it is 14.

Of note, the future reform is also looking at NGOs being responsible for intermediate interventions, including support and work to families. I was told that over 100 NGOs are now working with the Department for Interior. In addition, institutions for juveniles are also to be restructured. This will include small temporary centres (refuges) for up to 30 children where they can stay and be supported for between 3-9 months. In addition, Orphanages and Foster homes are being developed, where children will attend normal school education. As a consequence of all this reform, the average re-offending rates for all ages is apparently 45% and declining.

Whilst I could discuss other associated areas of interest, I trust that this overview has provided at least an insight into Ukraine's efforts towards reforming its CJS, particularly in respect of juveniles. I confess that I was very heartened by the openness and frank way in which officials and NGO leaders discussed the issues and the reform agenda. All agreed that there is still a long way to go and that the basic system is not yet able to deliver fully on all that is being proposed. That said, the proposals are being sung from the same sheet of music and we must be encouraged by that.