WHAT UKRAINIANS KNOW AND THINK OF HUMAN RIGHTS
NATION-WIDE RESEARCH

The publication analyses perceptions and knowledge on human rights aspects in the Ukrainian society at large, as well as amongst certain target groups. The latter include civil servants, judges, police officers, teachers, journalists and human rights defenders. Research was conducted both through a nation-wide opinion poll and though expert interviews. The research is important for designing more effective strategies and tactics for human rights education campaigns, evolving informal human rights education and shaping evidence-based approaches and priorities in human rights donor-supported activities in Ukraine.

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INTRODUCTION

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Conducted by the Ilko Kucheriv “Democratic Initiatives” Foundation, with the support of the United Nations Development Program in Ukraine and initiated by the Ukrainian Parliament Commissioner for Human Rights and the Human Rights Information Center, the survey appeared to be the first and unique large-scale study in the human rights area.

Its uniqueness lies in its scale and scope in the first place. The survey offers answers as to a set of important questions pertaining both the values and the understanding of human rights in general. It attempts to assess rights observance in the country, as well as explore its practical aspects – readiness to defend one’s rights, engage in human rights events and movements, and many other aspects. The survey presents popular views while providing a possibility to compare them with the individual groups’ vision: public servants, judges, police officers, education professionals, journalists, and human rights activists.

The data gathered through the study offers the national human rights institution an opportunity to see the world through the eyes of ordinary people, regardless of existing clichés and assumptions regarding their aspirations, recognition of their biggest challenges, while admitting what in popular perception is considered irrelevant or incomprehensible.

The importance of survey is not anchored in its findings which may well embarrass, impress, surprise or comfort, but rather an array of obtained data that can become a foundation or a roadmap for further strategic plans, educational programs and educational campaigns. Currently, both state institutions, education professionals and representatives of the judiciary, human rights activists and the donor community, – all can find an action point, identify an action priority, or the best information channel to reach the target audience.
Over the course of 25 years since its independence, Ukraine has been attempting to address its various human rights challenges: numerous international treaties were ratified, laws were adopted, a national human rights institution was established – Ukrainian Parliament Commissioner for Human Rights. In 2015, a significant step forward was achieved with the adoption of the National Human Rights Strategy, establishing a structured and broadly agreed human rights roadmap.

At the same time, the development of the National Human Rights Strategy demonstrated the vital need for baseline information, to clearly reveal the issues at stake and indicate which direction to follow. The absence of comprehensive baseline information on human rights was identified by public authorities, human rights defenders, journalists and international organizations alike as the biggest barrier to the advancement of the human rights agenda in Ukraine. Systemic human rights deficiencies and misperceptions had to be identified, to outline the gap between general perceptions and measurable realities of human rights in the country seen by experts in the field and human rights defenders.

Today, this Human Rights baseline Study allows data to speak for themselves. Among its key findings, the study provides clear evidence that:

- **While there are numerous problems and challenges, several positive trends exist** in Ukraine in relation to human rights. Values such as freedom, dignity, justice, and equality are prevalent in the Ukrainian society, and a majority of Ukrainians believes that human rights reinforce rather than contradict Ukrainian traditions, moral and religions.

- **Regional differences exist, yet Ukrainians share similar views** across the country.

- **The gap between popular beliefs and expert perceptions on human rights is not absolute.** In fact, the Ukrainian expert community itself (civil servants, police officers, judges, teachers, journalists and human rights defenders) at times demonstrates a lack of awareness on human rights issues and a lack of tolerance.

This study, already rather unique in its scope and methodology, has an additional value as it is the result of a shared analysis performed by human rights activists, the Ombudsperson’s Office, sociologists and UNDP experts. The picture it presents is not the representation of the views of a single group or type of actors, but the result of joint work of the broader human rights community.
If you asked a person in the street what issues were on their mind at that moment, be sure to hear of financial troubles, low pensions, high prices and tariffs, as well as scarcity of well-paying jobs. Human rights? Sure, those are important as well but not of an immediate priority.

Nonetheless, try to think of this paradox. Two mass revolutions in the XXI-century Ukraine that echoed over the world were not caused by the economic reasons. They were sparked off by public indignation at brutal human rights violations. The Orange Revolution ignited against election fraud, when people felt robbed of the right to free and fair elections; the Revolution of Dignity stemming from the public rage over the disproportionate use of violence against students and the overall encroachment of the state onto civil rights and liberties.

Financial and material concerns are, beyond any doubt, important. Yet, they are the lower layer in the needs hierarchy of an individual. Upper strands include the need for respect, self-determination, justice, and dignity. In other words, all the elements that make us human. “Slaves are not allowed to Heaven” – the Cossack times saying got quite frequently reiteratd at the Maidan Nezalezhnosti in Kyiv during the revolutionary events.

Moreover, material affluence in itself is not an antonym of human rights and freedoms. The living standard and respect to human rights and freedoms are usually interdependent (except for only a few countries that live off extractive industries, oil and gas).

At the same time, as history shows, both rights and freedoms in developed democracies that are perceived as certain standard, were not granted freely in the beginning either. They emanated as a result of a long societal struggle. Currently, Ukraine is in a complicated state of transformation exacerbated by the war in Donbas. Ukraine’s future depends on the changes that will be made today, and on the choices that will be made. At the same time, success of any transformative process depends on the adequate level of societal awareness, current public opinion status, and has to be rooted in unbiased, objective research.

Human rights issues in Ukraine have rarely been subject to empirical research in sociological surveys. In most cases, a number of polls were conducted regarding respect to certain stand-alone rights. This research is the first fundamental study that looks into a spectrum of human rights in Ukraine. It already contains commonplace questions for assessing respect to human rights, questions to determine respondents' worldview, and values that citizens consider to be pivotal to human rights, aspects of shaping beliefs and views of human rights, assessment of citizen awareness and readiness to stand up for human rights, as well as many other questions that may become a bedrock for creating a multifaceted national strategy for human rights in Ukraine.
Innovation also lies in probing for opinions of key societal groups that have the largest impact on both respect to human rights, and on shaping the awareness thereof, i.e. judges, law enforcement officers, civil servants, journalists, teachers and human rights defenders.

Another important feature of the research became a participatory nature of developing questionnaires for the nation-wide poll and expert interviews engaging human rights organizations – practitioners in the human rights protection field.

We hope that our study will be both interesting and useful for understanding the peculiarities of public opinion on human rights issues by Ukrainians, and for designing activities that would enhance an awareness level and increase readiness of individuals to engage in human rights protection.

TETIANA PECHONCHYK,
Board Chair,
Human Rights Information Centre

Throughout the history, Ukrainians have confirmed their commitment to human rights values and liberty on numerous occasions. When protesting against a roll-back to undemocratic practices and authoritarian encroachments by the state, hundreds of thousands of people had taken to the streets. New civil society organizations and movements emerged, new institutions got founded, international human rights conventions were signed and ratified, and hundreds of reports and expert studies were issued. The National Human Rights Institution (the Ombudsperson) was conferred A-status accreditation, being the highest grade in assessing this type of institutions. This testifies to independence of the Ombudsperson's Office. Ukraine has strong and influential human rights organizations that work on human rights protection, advancing a rule of law and democratic values. The year 2015 saw an adoption of the National Human Rights Strategy followed by a five-year Action Plan to enable its implementation.

At the same time, years since the Independence have not seen any comprehensive and systemic baseline research on human rights awareness of the public at large. Hence, with lacking comprehensive measurement indicators, it was difficult to design and implement effective human rights strategies, awareness-raising and public education campaigns, as well as educational initiatives and programmes for formal and informal human rights education that would boost legal awareness of the population.

The research in question is the first attempt in Ukraine's history to have a systemic and holistic assessment of perceptions, beliefs and understanding of basic human rights and fundamental freedoms in the society at large and on behalf of the target groups (the latter being: civil servants, judges, police officers, educators, journalists, and human rights defenders). It is a departure point for designing an evidence-based action strategy rooted in scientific data and sociological metrics for state authorities, the Ombudsperson's Office, human rights organizations, the donor
community, and international organizations that work to strengthen respect to human rights and rule of law in Ukraine.

The publication makes and analysis of a set of rights that bear the highest value for Ukrainians, explore public opinions regarding respect to human rights in the country, as well as the level of societal tolerance. It probes discrimination-related issues in Ukraine, explores transformation in attitudes towards human rights as affected by the armed conflict, questions the readiness of Ukrainians to defend their rights and tests the belief to restore justice, as well as assesses attitudes towards human rights organisations and readiness to help them in their activities.

The data obtained may be assessed and interpreted in a variety of ways. Analysis presented in this study offer wide and generalized conclusions and shedding a light over the tip of an iceberg only. The full data is presented in Annexes including tables with results of sociological polls on a wide array of issues under the auspices of nation-wide opinion poll, as well as a number of segmented expert interviews. The data may feed further multidimensional research looking deeper into certain aspects of human rights understanding and perception in Ukraine.

We hopeful, such research will be taken on in the future, thus enabling mathematically-precise tracking of slightest shifts in perceptions and beliefs, and truly tectonic transformations alike occurring in a public conscience of the Ukrainian society in terms of liberty and human rights values.
METHODOLOGY

The nation-wide human rights study in Ukraine was conducted and drafted by the Human Rights Information Centre and Ilko Kucheriv Democratic Initiatives Foundation with support from UNDP Ukraine and the Office of the Ukrainian Parliament Commissioner for Human Rights.

The necessity for such study is conditioned by the fact that there has, until now, been no comprehensive and systemic sociological measurement to assess human rights awareness with the population at large. There has been a number of thematic studies, including, inter alia, on the freedom of speech ("Freedom of Speech in Ukraine: Nation-Wide and Expert Poll" by Ilko Kucheriv Democratic Initiatives Foundation in 2013), discrimination ("Intolerant actions and radical organizations" by the Kharkiv Institute for Social Research, 2008; "Assessing tolerance levels in the Ukrainian society", an opinion poll by "Ukrainske Susplstvo" in 2010, as well as the consistent monitoring by the Kyiv International Institute of Sociology carried out since 1994, illegal violence perpetrated by the Police ("Research on Prevalence of Torture and Cruel Treatment in the Police", Kharkiv Institute for Social Research and Kharkiv Human Rights Group in 2012 – 2015), as well as others.

Some of the more general sociological studies at times included dedicated questions on aspects of human rights or the level of trust towards some of the authorities, including the judiciary and law enforcement bodies (e.g. “Two years after the Maidan. Main results of opinion poll research in Ukraine” by the International Federation of Election Systems (IFES) in 2015 or “Dynamics of the public opinion in assessing rights and freedoms in Ukraine” by Ilko Kucheriv Democratic Initiatives Foundation in 2004 – 2009). One also needs to take note of interesting polls administered by the Razumkov Centre regarding human rights in different aspects, for instance “What rights would you list amongst the most important ones?” (dynamics, 2006-2009); “Have you had experience with defending your environmental rights – was it a positive or a negative one?”; “Were your rights violated throughout the last year?” (dynamics, 2007-2009), etc. (more information on studies in Ukraine and other countries is presented in Annex 1).

At the same time, there has never been a comprehensive sociological research of opinions in the society at large, as well as amongst certain target groups themed on human

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1 The majority of polling results is available at the website of the National Research Bank. URL: http://ukraine.survey-archive.com
rights in Ukraine. The concept of this nation-wide study on human rights in Ukraine was first discussed between representatives of 20 civil society organizations, international institutions and independent experts dealing with human rights. The Terms of Reference for the research was prepared by the Human Rights Information Centre with contributions from six human rights experts (see Annex 2 for more details).

GOAL

The overall goal of the research was to study the perceptions, ideas, and knowledge of human rights and fundamental freedoms in the society at large, and among specific target groups. This, in turn, was done to enable design of more effective strategies and tactics for human rights education campaigns, developing formal and informal human rights education, and shaping evidence-based approaches and priorities in human rights donor-supported activities.

OBJECTIVES

- to assess the perceptions, ideas, and knowledge of human rights in the society at large, within separate groups, and in the expert community;
- to explore the main issues and gaps between perceptions of human rights and freedoms by the society at large and among professional communities;
- to measure human rights awareness among the specific target groups;
- to assess awareness and readiness to use litigation, as well as extrajudicial or illegal human rights protection mechanisms.

SUBJECT OF THE STUDY

- perception of values which serve as a foundation for human rights;
- perception of the most burning human rights issues;
- using human rights protection mechanisms;

DATA-GATHERING TECHNIQUES

The study is based on a nation-wide representative poll of Ukraine's adult population, as well as quantitative results of polling the six groups: civil servants, judges, police officers, teachers, journalists, and human rights defenders.

NATION-WIDE SOCIOLOGICAL POLLING

The polling was conducted between 22 October and 6 November 2016 by the Ilko Kucheriv “Democratic Initiatives Foundation” and “Ukrainian Sociology Service” polling company.

In total, 2002 respondents have been interviewed in-person, who were selected under a quota-based national representative sample. The polling took place in all oblasts of Ukraine, and the city of Kyiv, except for the Government non-controlled territories (GNCAs) of Donbas and the Autonomous Republic of Crimea. Overall, the polling took place in 102 localities of Ukraine – in 60 cities and 42 villages. Slightly over half of the respondents (54.6%) were female.
The maximum sampling error (without reference to the design-effect) does not exceed 2.2% with the confidence interval of 0.954.

The regional breakdown of oblasts is as follows:

- **West**: Lvivska, Ivano-Frankivska, Volynska, Zakarpatska, Khmelnytska, Rivnenska, Chernivetska, and Ternopilska oblasts;
- **Centre**: Vinnytska, Zhytomyrska, Chernihivska, Sumksa, Cherkaska, Kirovohradska, Poltavska, Kyivska oblasts and the city of Kyiv;
- **South**: Odeska, Mykolayivska, Khersonska oblasts;
- **East**: Kharkivska, Dnipropetrovska, Zaporizka oblasts;
- **Donbas**: government-controlled territories of Donetska and Luhanska oblasts.

**TARGET GROUP RESEARCH**

Polling data for six target groups (civil servants; judges; police officers; teachers; journalists; human rights defenders) allows to speak of certain trends and beliefs which are common amongst representatives of such groups. The survey was conducted through a targeted personalized electronic questionnaire. In total, each of the six groups of respondents comprised the following number or interviewees: civil servants – 104 respondents; judges – 180 respondents; police officers – 206 respondents; teachers – 112 respondents; journalists – 100 respondents; human rights defenders – 103 respondents. The data collected from politicians (only 50 respondents) is presented in the Annexes as an for the sake of illustration only, due to a small number of respondents who consented to being interviewed, as well as insufficient representation of all political forces while the data at hand did not allow to speak of prevalence of certain ideas in this group.

The method applied (target group polling) is one of the classic methods in sociology that allows to see the object under scrutiny through the eyes of a certain group. Throughout the research, each of the participants responds to the questionnaire personally, which allows to avoid opinions becoming too averaged. A large number of individual respondents (in our case that is over 100 individuals per category) allows to receive the widest possible spectrum of opinions within the social group, and to elicit the most prominent trends and opinions.

The target group polling method fits this study best, as a massive random sample polling would be impossible to administer correctly in the narrow social groups (such as judges or human rights defenders). Other available methods (for instance focus groups), on the other hand, do not allow one to speak of real trends or prevailing thoughts in a group. Instead, they merely demonstrate the whole spectrum of thoughts in a certain group.

**PUBLICATION STRUCTURE**

The publication contains results of the sociological survey and its analysis, opinions of lead human rights experts on research findings, as well as comments on the survey results from the Ombudsperson Valeria Lutkovska, Minister of Education and Science of Ukraine Lilia Hrynevych, Head of the National Civil Service Agency Kostyantyn Vashchenko, Head of the Council of Judges of Ukraine Valentyna Symonenko, Deputy Head of the National Police of Ukraine Kostyantyn Bushuev, as well as radio-journalist, head of the Board for Hromadske Radio, Head of the Journalist Ethics Committee Andriy Kulykov.
RESEARCH SUMMARY

THIS RESEARCH CONTAINS A SIGNIFICANT VOLUME OF INFORMATION. DATA MAY BE STUDIED ADDITIONALLY FOR COMPARISON PURPOSES OR ITS ELEMENTS MAY BECOME SUBJECT TO A SEPARATE STAND-ALONE RESEARCH. THE ANALYSIS PRESENTED HERE IS FAR FROM BEING EXHAUSTIVE. REGARDLESS OF THIS, WE WOULD LIKE TO HIGHLIGHT A FEW CONCLUSIONS WE DEEM IMPORTANT.

PERCEPTIONS, BELIEFS AND UNDERSTANDING HUMAN RIGHTS

VALUES

Notably, the foundational values for human rights, like freedom, dignity, justice and equality, have received the highest score. Freedom (80%), security (70%), justice (70%) and dignity (60%) – comprise a set of values rated highest by Ukrainians. Values scoring lowest, and appearing in the rating’s bottom, are patriotism (38%) and tolerance (25%).

However, the overall high score for “freedom” may be somewhat questioned. When offered to rate what was of a higher priority – freedom or welfare – the opinion split was almost equal. One third of respondents expressed readiness to give up some of their rights for the sake of welfare, another third of respondents expressed willingness to put up with material difficulties but not at their rights’ expense, while the remaining third could not enunciate their decision.

UNDERSTANDING HUMAN RIGHTS

The majority of Ukrainians have an intuitive feeling of human rights entitlement since their birth, have a belief that rights are universal and equal to everyone and have to be guaranteed by the state. However, they do not have a full understanding of what “human rights” really are. An excellent illustration in this regard is an answer to the question on who is the principal abuser of human rights. Here, a significant share of respondents
named criminal groups, businesses and citizens themselves as core perpetrators. When responding to a specific
question whether they believe human rights had been violated when a vendor refused to reimburse expired gro-
cerries, the absolute majority of respondents (80%) made affirmative statements.

This illustrates a fragmented understanding of the human rights concept, where a duty bearer is always account-
able for human rights violations. Evidently, in this specific instance answers illustrate a negative attitude toward
problems in the country, rather than comprehensive assessment and understanding of human rights. The whole
study also demonstrates that any issue in the country tends to be perceived as a human rights violation.

The prevailing majority of the Ukrainian citizens do not share an opinion that human rights is an ideological
concept which contradicts societal norms and traditions. Specifically, some 76% of respondents do not see any
contradiction between human rights and religious dogma; some 84% believe, human rights entirely or almost
entirely do not contradict morals, whereas a significant 74% do not recognize any serious contradictions with
Ukrainian traditions.

PRIORITIZING HUMAN RIGHTS

The study argues, that social and economic rights are a priority for Ukrainians. The right to life, as it seems, enjoys
a higher priority than social rights. At the same time its essence concerns the cases of deprivation of life and ineef-
fective investigation of deprivation of life, rather than the right to enjoy a favourable standard of living. The right
to life (ranked among top 10 rights by 78% of respondents), was accompanied by other rights that are linked to
ensuring a favourable standard of living for Ukrainians: the right to social security (63%), right to housing (58%),
right to education (57%), right to work and the right to an adequate standard of living (51%). At the same time,
civil and political rights come as a “second-tier” – including the right to a fair trial (56%), the right to liberty and
security of person, the right to freedom of thought conscience and religion (46%), and the right to decide own
destiny (45%).

Interviewed human rights defenders as well as journalists, do not rank material values very high. Hence, top human
rights ranking by journalists and human rights defenders is similar: the right to life, protection against torture, cruel
or degrading treatment or punishment, right to fair trial, liberty of person, and the right to freedom of thought,
conscience and religion. When compared to the nation-wide poll, educators also demonstrate higher dedication to
classical liberal rights as opposed to social rights, which the majority of citizens lean towards.

HUMAN RIGHTS OBSERVANCE AND CURRENT ISSUES

Citizens’ assessment of the in-country developments in the area of human rights which occurred in the past three
years (after the Revolution of Dignity), appears to be rather pessimistic. Only 4% noted improvements while other
23% believe there have both positive and negative developments in this regard. Instead, almost 35% noted the
situation has deteriorated and 28% did not recognize any changes in the realm;

An assessment of developments in human rights observance shared by different expert groups, significantly and
positively varies from the national poll results, since the share of respondents who recognized progress in human
rights area is significantly higher than among the citizenry at large. And vice versa, a share of those, who believe
that the situation deteriorated – is lower. Notably, the share of proponents of “deteriorated situation” is the lowest
among human rights defenders and journalists;
On average, Ukrainians graded the observance of basic human rights with a score of 3 on a 1 to 5 scale. Specifically, when comparing respondents’ evaluation in terms of grade point average, all ratings were below 3 points. Relatively higher grades were given to observance of political, cultural rights and basic human rights, while the lowest scores were saved for observance of social and economic rights (these received a 2+ score).

DISCRIMINATION AND TOLERANCE

Over half of Ukrainians (almost 60%) recognized an issue with discrimination in society, while 40% have experienced discrimination personally. Amongst most frequently noted issues, one could recall age discrimination (mentioned by 37% of respondents) and discrimination of people with disabilities (33%). Between 1/4 and 1/5 of respondents identified discrimination based on the property status, sexual orientation, sex, health condition, and political views;

Regardless of the declared non-acceptance of discriminatory practices, the respondents demonstrated a rather permissive attitude toward restriction of human rights of certain groups. Some 66% of respondents maintained, that the rights of drug addicts may be restricted, 53% supported a possibility of restricting the rights of ex-convicts, while the third group against which their rights could be restricted are “oligarchs” and individuals with different political views, like those in support of the Russian aggression (52% and 50% of “negative” answers respectively). Other high “negative” scores are attributable of Roma minority and LGBT community (47% and 46% respectively). The least negative attitude is demonstrated towards IDPs from the NGCAs in Donbas and unemployed individuals;

A positive sign is the fact that the prevailing majority of Ukrainians (67%) condemned poor conditions for convicts, and only 17% believe such conditions were acceptable and even well-deserved. Beliefs expressed by the police officers in this matter unveil an interesting phenomenon. Only 2/3 of police respondents decried keeping the convicts in poor conditions. A significant share of 15% of respondents were convinced that poor conditions were just. The other 15% of police officers could not opine on this question, which lies in the area of their professional responsibility.

IMPACT OF CONFLICT ON HUMAN RIGHTS PERCEPTIONS

While responding to the question on accepting crimes committed by Ukrainian armed forces and volunteer battalion in a conflict / combat zone, almost 48% of respondents have been unanimous in decrying such actions. They noted that acts like this could not be accepted, and perpetrators needed to be brought to justice. 23% did not deny punishment for the wrong-doings, but considered the military operations a mitigating circumstance. Yet other 21% were ready to acquit crimes committed by Ukrainian armed forces and volunteer battalion in one way or another. The most solidified group, totalling 80% that denied and condemned any such crimes, were respondents from the Donbas. While only 37% of respondents from the West region have been unanimous in decrying such actions;

Notably, 1/3 of respondents among the group of judges and 1/5 of the police officers share a belief that the military circumstances need to be considered mitigating factors when administering justice in such cases;

3/4 of the population spoke against a possibility of applying torture towards the enemy, and only 14% of respondents considered such actions acceptable. The fact that almost every 10th interviewed police officer justifies application of torture towards the enemy is alarming.

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1 Respondents assessed observance of every single human right on a 5-scale scoring system, where 1 indicated a very poor observance, and 5 – very good observance.
2 Shush rights as the right to life, the right to liberty, freedom of speech and belief, freedom of movement, the right to the confidentiality of correspondence, the right to security of person, access to information, the right to a fair trial, freedom of thought, conscience and religion, etc.
STANDING UP FOR RIGHTS

The poll demonstrates a clear lack of trust toward authorities, especially to courts and law enforcement agencies. The undisputed leader in effective human rights protection is appeal to the media (28% of Ukrainians). Besides, only interviewed human rights defenders and judges did not rank the media as a priority choice, while teachers, law enforcers and public officials also considered the media as the most effective rights protection means in the country; After appealing to mass media Ukrainians defined complaining to the European Court of Human Rights (19% of respondents), asking family for help, looking for useful contacts and appealing to court (by 16% of respondents) as the most effective means of rights protection. At the same time, about 19% of respondents believe that there are no effective means of protecting human rights in Ukraine, and almost 15% have not been able to answer this question; On the other hand, over 54% of respondents never attempted to protect their rights, and therefore their attitude was not formed with their personal experience. Only 46% of Ukrainians tried to protect their rights in cases of violations; Among the means that are used in practice to protect their rights, most often mentioned were the social ties, i.e. relatives and friends (29%) and appealing to court (it was used by about 26%). Also, the top-listed rights protection methods were: appeals to the police (20% of cases), appeals to local authorities (about 17% of cases), Especially alarming were the result that spoke of accepting mob justice by half of the population The highest level of opposition to the idea of mob justice is among residents of Donbas (71% of which were in favour of complete unacceptability of such actions). The level of success in protecting their rights has also been low. If we consider only those who faced a violation of their rights and have made efforts to protect them, only about 36% said that such protection in most cases was successful, while about 64% said that most of the results of this struggle were unsatisfactory. The younger, wealthier and better-educated people are more likely to protect their rights actively, even among them the willingness to such actions is rather mediocre. It is worthwhile mentioning a rather low citizen awareness level of human rights mechanisms and instruments. Ofentimes, citizens' knowledge is limited to hearsay expertise, but not specific knowledge. Almost 42% of Ukraine's population heard something about the Ombudsperson with only 6% possessing sufficient knowledge. The same holds true regarding activities of human rights organizations. A low level of readiness to protect one's human rights, especially among the poorer ones, is explained by the fact that over half of the population (54%) never heard anything about legal aid in the country, 30% of respondents heard something but didn't know where and how to receive it or, in other words, would not be able to make use of it on their own, if need be. HUMAN RIGHTS INFORMATION CHANNELS

TV remains an absolute leader among information sources on human rights (3/4 of respondents). Internet-based outlets are a source of information for fewer than 1/3 of respondents. Civic and religious organizations or governmental agencies are the least-frequent sources of such information for Ukrainians. The most influential sources of information that impacted an understanding of human rights have been mass media, close surrounding (family, friends), internet and social networks, and educational institutions. As far a formal education is concerned, the prevailing majority of polled educators (60%) responded that human rights education within existing curricula in educational institutions remained satisfactory, 20% of respondents have rated it as ‘unsatisfactory’ or ‘very bad’.
A regional breakdown offers significant differences in data in the Donbas region, which, most probably, may be justified by respondents' proximity to the armed conflict zone. Donbass looks considerably more positive and loyal to human rights than, for example, Ukraine's West, where the non-legal ways of protection of human rights, including corrupt ones, are much more common and acceptable, as well as other values such as morals and religion played a big part.

Significant differences in responses of men and women, which would require additional explanation, were not spotted. When assessing the values, one may state that at the value level 'patriotism' bears more weight for interviewed men (40%) than for women (36.2%), while women rate dignity higher than men (65.8% to 62.7%) and women rate financial security higher than men (46.6% vs. 42.4%, respectively). Women are less inclined to justify the torture of enemies during military engagement (83.8 of women and 77.2% of men). Ukrainian women more often than men experience violation of their right to social security (25.9% as opposed to 20.8%), as well as violation of respect to private and family life (4.9% as opposed to 1.2%).

In fact, the research has given rise to cautious optimism for the country's development. It could serve as a solid guide for the public and governmental agencies in devising and implementing their activities to anchor human rights and fundamental freedoms.
VALUE-BASED DIMENSION OF HUMAN RIGHTS

HUMAN RIGHTS ORIGIN; HUMAN RIGHTS UNIVERSALITY; ASSESSMENT OF DIFFERENT VALUES MOST PERTINENT TO HUMAN RIGHTS; PERCEPTION OF THE “FREEDOM VS. FINANCIAL SECURITY” ALTERNATIVE; PERSONAL PRIORITIZING OF HUMAN RIGHTS; CORRESPONDENCE OF HUMAN RIGHTS TO THE NORMS AND TRADITIONS OF THE UKRAINIAN SOCIETY, ASSESSMENT OF EXISTING CONTRADICTIONS BETWEEN HUMAN RIGHTS AND MORALS, RELIGION, ETC.
Human rights are a set of rules that need to be fulfilled and enforced by the public authorities in relationship with a person. Human rights provide a person with protection and certain advantages in relations with a state. These rights exist only because we are humans and we need nothing to enjoy them.

Therefore, existence or lack of human rights does not depend on the will of a state and the state may not strip its citizens of their rights or refuse to grant the rights to individuals. They are not a “gift” from the state, do not come as a result of the norms established by the state, and emanate from human nature. Human rights are inalienable, which means that the state may not cancel or restrict them at will. The duty of the state is to recognize, create an enabling environment for enjoyment, and protect human rights.

A minimum set of human rights is often identified by international treaties which, when ratified, need to be fulfilled by the state. A person cannot refuse human rights but a degree of their realization is person-dependent.

Based on this, it becomes apparent, that nearly half of the respondents are knowledgeable about the origin of human rights.

Human rights awareness, as demonstrated by the polling results, proved to be higher than originally and traditionally assumed. Specifically, 46% of respondents shared the concept of natural origin of human rights, to which a human being is entitled and which is inalienable. Explaining modern human rights concepts to a receptive audience would not be difficult. Less common is a belief that humans themselves determine their rights (9%) or the rights have a religious origin (3%). Proponents of such a legal worldview may either experience conflict with the law themselves, or cause problems for others.

The research lacks sufficient data to argue on existence of groups of legal nihilists or religious fundamentalists; however, the issue is quite important and requires additional study. Nowadays, we can only assume, which rights or privileges could be demanded by these 3.3% or what place these 1.2% occupy in the societal structure.

Only the biggest share (slightly lower than half) of respondents maintains that they are entitled to human rights since their birth and 5% of respondents maintains that human rights are determined by international treaties. While the other half believed human rights originated from the state, religion, and maintained that every person decided for oneself his/her rights.

Interestingly, difference in these perceptions vary depending on respondents’ age, sex, education, and property status, while being attributive of interesting regional differences. For instance, relation of human rights to the state is more prominently evident in the Western and the Southern regions. At the same time, Donbas owns the biggest share of respondents (if compared to other regions) who believed they were naturally entitled to human rights since their birth. The same stance holds true in the Central region of the country. Another fact, making Donbas different from other regions is a small percentage of respondents, who believe that human rights emanate from international treaties and religion, or depend on the person’s view. While especially interesting in this region is that fact that none of the respondents chose “other” or “hard to say” response options: the highest level of being sure about an answer.
### What Ukrainians Know and Think of Human Rights

#### Breakdown of Opinion on the Origin of Human Rights (%)

<table>
<thead>
<tr>
<th>Opinion</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human rights belong to a person from his/her birth</td>
<td>46.0</td>
</tr>
<tr>
<td>Human rights are granted by the state</td>
<td>32.0</td>
</tr>
<tr>
<td>Human rights are determined by international treaties</td>
<td>5.7</td>
</tr>
<tr>
<td>Human rights are determined by religion</td>
<td>3.0</td>
</tr>
<tr>
<td>Every person decides for oneself his/her rights</td>
<td>8.8</td>
</tr>
<tr>
<td>Other</td>
<td>1.2</td>
</tr>
<tr>
<td>Hard to say</td>
<td>3.3</td>
</tr>
</tbody>
</table>

#### Regional Breakdown (%)

**West**
- Human rights belong to a person from his/her birth: 40.3%
- Human rights are granted by the state: 8.0%
- Human rights are determined by international treaties: 11.5%
- Human rights are determined by religion: 7.8%
- Every person decides for oneself his/her rights: 0.8%
- Other: 0.2%
- Hard to say: 3.0%

**Centre**
- Human rights belong to a person from his/her birth: 52.8%
- Human rights are granted by the state: 25.6%
- Human rights are determined by international treaties: 8.6%
- Human rights are determined by religion: 3.3%
- Every person decides for oneself his/her rights: 0.3%
- Other: 0.3%
- Hard to say: 1.7%

**East**
- Human rights belong to a person from his/her birth: 58.5%
- Human rights are granted by the state: 35.8%
- Human rights are determined by international treaties: 4.1%
- Human rights are determined by religion: 4.1%
- Every person decides for oneself his/her rights: 0.8%
- Other: 0.8%
- Hard to say: 1.7%

**South**
- Human rights belong to a person from his/her birth: 40.2%
- Human rights are granted by the state: 38.0%
- Human rights are determined by international treaties: 11.5%
- Human rights are determined by religion: 4.7%
- Every person decides for oneself his/her rights: 1.7%
- Other: 1.7%
- Hard to say: 0.8%
Another important feature of human rights is the universality of human rights. Human rights are identical for all. Every state has a similar duty to uphold and ensure them. Human rights may not have local specifics and depend on local traditions, since they do not originate from any specific country or countries. The universal approach in denoting human rights originates from the adoption of the Universal Declaration of Human Rights by the UN General Assembly in 1948. It was this document that laid the foundation for the present day development of international law and protection of universal human values. However, the degree of fulfilling this duty by member-states varies from country to country, and depends on many circumstances.

The belief about universality of human rights prevails amongst Ukrainians. Particularly, when looking at the degree of “agree”/”disagree” statement that human rights are universal for all nation-states, it could be noted that some 70% of respondents concurred with the statement, while those who disagreed with a statement amounted to 20%.

One of the questions probed for an opinion of respondents regarding the statement that every country should have its own list of human rights. In responses to this, 36% of respondents took a “agree” or “tend to agree” position, while those who “tend to disagree” or “disagree” comprised nearly 49%.

Then, breakdown of answers to the question on the universality of human rights does not fully coincide with a breakdown of answers to question with the opposite meaning. In other words, rather a big number of respondents (nearly 26%) agreed both with the universality of human rights and with a statement that every country had to have its own rights. There might be a few explanations for that. Firstly, there could be a different stance toward different rights (enforcement of one type of rights is universal, while realization of other type need to be tied to the country’s specific context). Secondly, this could be caused by a poor understanding of sources of human right origin.
VALUES AS THE FOUNDATION FOR HUMAN RIGHTS

Human rights are based on key values: human dignity, freedom, equality, and justice. Fundamental rights and freedoms are a set of certain minimal conditions, necessary for a decent human existence. It is for this purpose that human rights are determined to safeguard these values.

At the same time, such values as security, order, morals, national traditions are values that compete with human rights, since their protection and enhancement human rights could be restricted under certain circumstances. In a democratic society, a balance between these interests is ensured, where human values are a priority and their rights are limited in exceptional circumstances.

From the value-based point of view in human rights, the leading place is allocated to “freedom” – 80%, as identified by the respondents as a key value in a human rights “package”. Second place was shared by “security” and “justice” (almost 70% named them among the key values), and the third place was allocated to “dignity” (nearly 64%).

Instead, from this point of view the least interesting for the Ukrainian population is tolerance (only a quarter of respondents named it among the key values). It's worthwhile mentioning a relatively low score held by “patriotism” (38% referred to it in their responses) and “order” (nearly 44%).

By way of rating the values, the Ukrainian society must be making its way in a direction opposite to authoritarianism. In particular, “freedom” (80%) is statistically significantly prevailing over “security” (72%), while “freedom of personal development” (55%) outweighs “order” (44%) and “morals” (44%). The survey did not include a question traditional for the Ukrainian quantitative sociology on support of the “iron fist” or “adamant foothold”. Apparently, such support exists, provided a low demonstrated level of “tolerance” (25%). However, it is quite possible that Ukrainians in the first place, do not tolerate those who encroach on their freedom, security and dignity”.

“Freedom, as a value, forms the basis for the democratic development of the country. Besides, it always has to be backed by an active citizenry. The events of the recent years demonstrated the potential of Ukrainians in social consolidation to protect democratic values. However, there is a number of issues that slow down further development of civic activism.”

A regional breakdown of the “rating” envisages differences associated with both prioritizing of these values and accentuating one value or another. Freedom, security and justice would be commonly shared by all regions. Tolerance, however, scored at the very bottom throughout all regions.
ASSESSMENT OF DIFFERENT VALUES AS FUNDAMENTAL FOR HUMAN RIGHTS
(% of a multiple choice preferred answer for “foundational value”)*

ASSESSMENT OF DIFFERENT VALUES AS THE MOST IMPORTANT TO HUMAN RIGHTS
(regional breakdown)

*Answers are rated proportionally to reducing the frequency of references
As we see, the emphasis on different values differs in the mentioned regions. In particular, as a basic value, freedom was named more often in Donbass (almost 83% of respondents), while the least – in the Western region (about 71%). Justice as a core value was more common in the Central and Southern regions (about 80% of the respondents gave it the highest score), while the least it was mentioned in the Western region (about 58%). The value of security seems to be most relevant for the residents of the Donbas (91% of the respondents chose it as the main), and the residents of the Central region (about 81%).

Certain differences, which overcome the 2% threshold of statistical error, may be spotted both in the assessment of men and women. In particular, women value dignity and financial security higher than men do (65.8% and 46.6% vs. 62.7% and 42.4% respectively), while men value patriotism higher than women do (40% vs. 36.2%).

Notably, the same question finds almost similar answers across age groups. The hierarchy of presented values is very similar among all age groups (with very minor variations) with frequency of referencing values following the same pattern. The biggest difference between young and elderly groups is spotted in their attitude towards such values as freedom (84.3% vs. 76.8%) and tolerance (27.4% vs. 21.6%). Interestingly, the mid-age group takes a “midpoint stance” across all values, except for the “financial security”, assigning it more value (46.4%) than the younger generation (42.6%) and elderly people (43.7%). However, the generally high regard for freedom could be questioned. Thus, when given an option to prioritise between welfare or freedom, the responses got split almost equally.

Nearly one third expressed readiness to give up some of their rights and freedoms in exchange for welfare, another third was ready to suffer financial difficulties but not give up their rights, and the remainder could not make up their mind.

Perception of the proposed dichotomy is not similar across the whole country. The highest readiness to give up some of their rights and freedoms in exchange for welfare is demonstrated among the population in the Western region (such position is shared by almost half of the respondents). The lowest similar readiness is demonstrated in the Central region, however, this region is also attributable of having the highest share (almost half of all respondents in the region) of undetermined respondents too. Instead, the highest number of respondents ready to suffer some financial difficulties in exchange for full enjoyment of rights was demonstrated in Donbas (slightly more than half or respondents) and in the Eastern region (just over 40%). The smallest respective shares are among the residents of Southern and Western regions (nearly a quarter of respondents).
In exchange for personal financial security I am ready to give up some of my rights and civil freedoms.

For the sake of personal freedom and full enjoyment of civil rights, I am ready to suffer certain financial difficulties.

Hard to say.

PERCEPTION OF THE “FREEDOM VS. FINANCIAL SECURITY” ALTERNATIVE (%)
(regional breakdown)
“Figures demonstrate, that Donbas residents have in reality learned the true meaning of the expression that those who choose security (welfare, country greatness or other substitutes) over freedom, at the end get neither security nor freedom”.

Oleksandra Matviychuk
Chairwoman of the Board, Centre for Civil Liberties

At the same time, in the matter of priority of freedom and rights over material well-being, there are no major differences between age categories. In particular, there is no difference between young people and middle-age people, and the distribution in these groups is the same as among population in general. Whereas, the share of older people who are welfare-for-freedom exchange-oriented is the same as in other age groups, while the share of people ready to financial difficulties for freedom is slightly lower (about 32% vs. 36-38% among junior respondents).

It’s an interesting observation that the perception of the presented alternative turned out not to be dependent on the expressed appreciation of freedom as a foundational value. In particular, among those, who recognized freedom as a principal value in terms of human rights protection, only one third expressed their readiness to protect their freedom at a price of living conditions deterioration, while almost 28% in this group were ready to give up freedom in exchange for financial security and more than one third could not decide. The level of those willing to sacrifice wellbeing for the sake of freedom proved to be much higher amongst those who initially rated freedom as somewhat non-essential – in this group, the relevant portion of the respondents took up over 1/2, while in other groups – nearly 1/3.

**PERCEPTION OF THE “FREEDOM VS. FINANCIAL SECURITY” ALTERNATIVE**
(groups with different rating level for freedom, %)

<table>
<thead>
<tr>
<th>Assessment of freedom as a human rights value</th>
<th>Core value</th>
<th>Overall important, but not key</th>
<th>Unimportant</th>
<th>Hard to say</th>
</tr>
</thead>
<tbody>
<tr>
<td>In exchange for personal financial security I am ready to give up some of my rights and civil freedoms</td>
<td>3,37</td>
<td>3,37</td>
<td>3,49</td>
<td>3,32</td>
</tr>
<tr>
<td>For the sake of personal freedom and full enjoyment of civil rights, I am ready to suffer certain financial difficulties</td>
<td>3,08</td>
<td>3,15</td>
<td>3,18</td>
<td>2,77</td>
</tr>
<tr>
<td>Hard to say</td>
<td>2,52</td>
<td>2,49</td>
<td>2,71</td>
<td>2,39</td>
</tr>
</tbody>
</table>
Quite predicted is the evidence relating to the wealth status of the respondents. Despite the fact that a share of respondents willing to give up freedom in exchange for financial security was almost equal across all property groups, yet the wealthier respondents were, the less ready they were to suffer certain financial difficulties for sake of freedoms.

Another interesting finding speaks of bigger share of proponents of giving-up some freedom in exchange for welfare among the Greek-Catholic church (comprising almost 57%) with representatives of other religious denominations (coming short of 30%).

### PERCEPTION OF THE “FREEDOM VS. FINANCIAL SECURITY” ALTERNATIVE
(groups with different level of financial security, %)

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30,3</td>
<td>53,0</td>
<td>16,7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>32,5</td>
<td>37,4</td>
<td>30,1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>27,8</td>
<td>34,2</td>
<td>38,0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30,0</td>
<td>27,7</td>
<td>42,3</td>
<td></td>
</tr>
</tbody>
</table>

### PERCEPTION OF THE “FREEDOM VS. FINANCIAL SECURITY” ALTERNATIVE
(denominational differences, %)

<table>
<thead>
<tr>
<th>Religious Denomination</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukrainian Orthodox Church (Kyiv Patriarchy)</td>
<td>31,7</td>
<td>36,7</td>
<td>31,6</td>
<td></td>
</tr>
<tr>
<td>Ukrainian Orthodox Church (Moscow Patriarchy)</td>
<td>34,6</td>
<td>35,9</td>
<td>29,5</td>
<td></td>
</tr>
<tr>
<td>Ukrainian Greek Catholic Church</td>
<td>57,3</td>
<td>23,9</td>
<td>18,8</td>
<td></td>
</tr>
<tr>
<td>Non-denominational believers</td>
<td>23,3</td>
<td>37,6</td>
<td>39,1</td>
<td></td>
</tr>
</tbody>
</table>

- In exchange for personal financial security I am ready to give up some of my rights and civil freedoms
- For the sake of personal freedom and full enjoyment of civil rights, I am ready to suffer certain financial difficulties
- Hard to say
The research has revealed the importance of social and economic rights. The right to life, apparently, is perceived by Ukrainians in terms of social right dimension, while in reality it concerns cases of deprivation of life, and not ensuring a definite standard of living.

Thus respondents’ perception as a matter of priority (of personal significance), is the right to life (recognized by 78% of respondents), the right to social security (63%), the right to housing (nearly 58%), the right to education (nearly 57%), the right to a fair trial (56%), the right to work (55%), the right to freedom and personal liberty (53%), the right to a decent living (nearly 51%). In other words, one may say that vital rights are perceived as top-priority for Ukraine’s population. The least important for Ukrainian citizens are the right to residence in a country (limiting the non-refoulement) and the right to association (to form trade unions).

It is not surprising, that the right to life is top-ranked not only among other rights, but across all regions too. However, the frequency of mentioning this right is more evident in Donbas and the East, while there is a relatively lower number of mentions in the West and the South. Such differences may be interpreted as differences in fears, present in different regions, when higher concerns over certain value increase its pertinence.

The right to work (55%) and the right to housing (58%) is prioritized over the right to property (40%). Consequently, the quantitatively predominant legal mind-set of respondents is not only market-based. The neat and comfortable housing matters more than the size of it or the size of land plots at an estimated market value. The right to work, as spelled out in Article 43 of the Constitution in its essence has a socialist nature, which in itself is neither good or bad; declaring it is as important as proper enforcement of this right. Decent working conditions, a clear description of duties, timely pay are often an issue in Ukraine. The most frequent unlawful activities are non-payment of salaries (18%), which outnumbers the discrimination indicators (9%) and abuse of office on behalf of authorities (police, local self-government bodies, etc.).

“The right to life does not relate to any vital needs – it’s, in other words, the right not to be killed in violation of the law or the right to protection against being killed as well as investigation of deprivation of life… Its true social context is really miniscule. Therefore it concerns the matter of life deprivation but not social living conditions. Such erroneous perception of the right to life is very attributable for common citizens, duly proved by this research”.

As far as other rating positions are concerned, some regional variations are present:

- The right to social security has been recognized as a second priority in Western, Eastern regions and Donbas, while in Central and Southern regions – the right to work;
- The right to housing has taken a third place in the Eastern region and Donbas, while in the Western region the right to fair trial was prioritized; with the right to education in the Central region and the right to social security in the Southern region;
- The right to freedom of thought and conscience was rated as a fourth priority in the Western region, but was not mentioned in the frequently-mentioned lists of rights in all other regions.
### Respondents’ 10 Most Important Human Rights (%)

| Right to life                                      | 77,7 |
| Right to social security                          | 63,2 |
| Right to housing                                  | 58,3 |
| Right to education                                | 57,2 |
| Right to fair trial                               | 56,0 |
| Right to work and the right to decent working conditions | 55,0 |
| Right to freedom and personal liberty             | 52,6 |
| Rights to an adequate standard of living          | 50,6 |
| Freedom of thought, conscience and religion       | 45,5 |
| Right to decide own destiny                       | 44,8 |

### Most-Frequently Mentioned Personally-Significant Rights in Various Regions of Ukraine

(region breakdown, %)

<table>
<thead>
<tr>
<th>Region</th>
<th>Right to life</th>
<th>Right to social security</th>
<th>Right to housing</th>
<th>Right to education</th>
<th>Right to fair trial</th>
<th>Right to work and the right to decent working conditions</th>
<th>Right to freedom and personal liberty</th>
<th>Rights to an adequate standard of living</th>
<th>Freedom of thought, conscience and religion</th>
<th>Right to decide own destiny</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>West</strong></td>
<td>72,1</td>
<td>68,8</td>
<td>59,6</td>
<td>54,8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Centre</strong></td>
<td>77,5</td>
<td>66,6</td>
<td>65,8</td>
<td>56,3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>88,7</td>
<td>80,2</td>
<td>62,6</td>
<td>59,1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Donbas</strong></td>
<td>77,0</td>
<td>71,8</td>
<td>71,0</td>
<td>71,0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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*One could make multiple selection up to 10 options. Answers are ranked proportionally to the reduction of frequency of reference.

*The below data reflects the type of rights, mentioned by more than 50% of respondents in respective regions.*
Also, certain age specifics are present in perception of various rights. If the right to life is set aside (which is almost equally significant to all respondents), then:

- the right to housing and the right to education scores highest for youth, while two older groups identified the right to social security as a second priority, where a middle-age group recognized the right to work as the third priority, with the right to a fair trial made fourth priority by the elderly group;
- the preference hierarchy of youth lists the right to freedom and personal liberty higher (however, in general assessment, this right was not grated higher significance then by other age groups);
- interestingly enough, the right to social security was prioritized by more than half of respondents.

“Prioritizing the right to social security was not an eye-opening revelation for Ukraine which, on the one hand, has a low standard of living, and on, the other hand, an extensive system of social benefits and allowances. Nowadays, different categories of people may be entitled to receiving a total of 180 types of benefits, as well as social and compensatory allowances. However, the system does not ensure decent living standards for vulnerable groups. Citizens developed a habit of receiving assistance from the state, despite the fact it’s difficult to receive it or its size if rather insignificant. Gradual introduction of targeted assistance and reforming the system of social protection, result in what the research findings suggest – the lowest score in protecting various rights, of social and economic rights in Ukraine”.

Svitlana Shcherban
Research fellow, Kharkiv Institute for Social Studies

MOST-FREQUENTLY MENTIONED PERSONALLY-SIGNIFICANT RIGHTS IN VARIOUS AGE GROUPS

<table>
<thead>
<tr>
<th></th>
<th>Persons Up to 30 Years of Age</th>
<th>Persons Aged 30-54 Years</th>
<th>Persons Aged 55 Years and Over</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to life</td>
<td>81,0</td>
<td>79,5</td>
<td>72,0</td>
</tr>
<tr>
<td>Right to social protection</td>
<td>62,5</td>
<td>63,4</td>
<td>70,1</td>
</tr>
<tr>
<td>Right to housing</td>
<td>61,0</td>
<td>59,1</td>
<td>55,0</td>
</tr>
<tr>
<td>Right to education</td>
<td>55,3</td>
<td>58,6</td>
<td>54,4</td>
</tr>
<tr>
<td>Right to fair trial</td>
<td>54,6</td>
<td>58,5</td>
<td>53,0</td>
</tr>
<tr>
<td>Right to work and just adequate working conditions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to personal liberty</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7 The below data reflects the type of rights, mentioned by more than 50% of respondents in respective regions.
Human rights and fundamental freedoms include civil, political, social and economic, and cultural rights. These notions do not contain civil-law rights and interests, in particular, consumers’ rights. This type of question is a classical way of verifying the understanding of human rights essence. Apart from the overall understanding of importance of various rights, the respondents were offered to assess specific situations.

The respondents were invited to reflect whether a situation when a vendor refused to take back and reimburse the expired groceries as violation of human rights. The prevailing majority of respondents (nearly 86%) was unanimous in opining that this situation was a human rights violation. To this end, the highest level of concurrence with this assumption (over 90%) was documented in the Central and Eastern region, while more lenient respondents in this matter appeared to be the residents in the Western region, comprising almost 23% who did not see this situation as human right violation.

This question was of a “test” nature. The described situation does not speak of human rights but, rather, deals with “consumer rights”. This prompts a conclusion that people perceive the situation of human rights violation from the standpoint of “victims” or “deceived consumers” paying less attention to who is the duty bearer.”

People continue to perceive “everything which is good against everything that is bad” as human rights. This dilutes the human rights concept, the protection mechanisms of which are oriented at specific international standards.”

“A rhetoric on poor understanding of the human rights concept is confirmed by the evidenced findings about what are believed to be “the most significant rights”. Apart from the right to life, which I’m sure, most of the respondents are interpreting falsely, the biggest share of top-rated rights are economic rights exclusively”.

Serhii Burov
Coordinator, All-Ukrainian Education Program “Understanding Human Rights”, Chairman of the Board, Educational Human Rights House, Chernihiv

Oleksandra Matviychuk
Chairwoman of the Board, Centre for Civil Liberties

Iryna Fedorovych
Coordinator, Coalition for Combating Discrimination in Ukraine
Another hypothetical situation, offered to respondents for assessment was a case having to do with the freedom of conscience. In it, a person, coming from a religious family of clergy of a traditional religious denomination had to stand up for the right to choose religious denomination. As a result, the prevailing majority of respondents (nearly 72%) spoke in support of the freedom of conscience, with only 11% not recognizing such freedom and 17% – hesitating.

**PERCEPTION TO RIGHT OF A PERSON FROM RELIGIOUS FAMILY TO CHOOSE RELIGIOUS DENOMINATION (%)**

<table>
<thead>
<tr>
<th>Perception</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religion and tradition are more important</td>
<td>11,4</td>
</tr>
<tr>
<td>A person has the right to freedom of religion</td>
<td>72,1</td>
</tr>
<tr>
<td>Hard to say</td>
<td>16,5</td>
</tr>
</tbody>
</table>

Quite predictably, the perception of this issue by religious and non-religious individuals varies. The support of the freedom of religion on behalf of the first group reaches 70% while the second group's support amounts to nearly 78%, which speaks in support of a statement that even religious communities avail themselves to supporting freedom of religion, where the difference between denominations in Ukraine is really insignificant.

Support to the freedom of religion dominates in all regions of the country enjoying a slightly higher support in Donbas (almost 83%) and Central region (nearly 80%), other regions are supportive at the level of 69%-72%.

Some age differences are also a factor in this subject matter. Specifically, the support level of the most elderly reaches 64% where among the younger population the support is enjoying 74%.

“It is hard to agree that such results specifically speak in support of understanding of importance and the gist of the right for the freedom of conscience and religion. Since, if the next question “Did you baptize your child” or “Will you have left your child the right to choose religion?” were to be asked, I am certain the answer would be somewhat different, then a question about some arbitrary adult daughter of a priest”.

Iryna Fedorovych
Coordinator,
Coalition for Combating Discrimination in Ukraine

A question on applying physical force (corporal punishment) to children in families has been posed. Although, one may question the degree of openness of responses, the prevailing majority of respondents confirmed they either do not apply corporal punishment to children at all (almost 53%), or apply very seldom (30%) with 10% confirming they applied physical punishment to children all the time or from time to time. The latter may be topped by another the group of respondents (7%) who refused to give an answer (one may presume, that such refusal is connected with the fact of applying corporal punishment but not wanting to admit the fact openly).
Ukraine is one of the states where legislation explicitly prohibits corporal (physical) punishment. Similar legal provisions are also present in other European countries. For the first time, such legal norm was adopted in Sweden in 1979, followed by a similar adoption in Finland in 1984, Denmark (1986), Norway (1987), and Austria (1989).

In 1965 in Sweden, according to the national survey, 35% of adult population believed corporal punishment was necessary and was instrumental in raising a child properly. Same survey conducted in 1994 demonstrated that 89% of respondents were against any physical punishment. It deserves mentioning, that a wide awareness campaign was conducted in Sweden including the mass media which has solid advantages over the law itself to impacting attitude and consciousness change that beating children is a type of behaviour that does not have public approval. In Ukraine, such a wide awareness-raising campaign was not conducted and this legal norm still remains difficult to enforce. The survey showed that the current state of affairs in Ukraine is at a level of Sweden in 1965, since when combining all the types of answers which allow the use of physical force, as well as refusal to answer such questions (which could also be associated with applying similar practices), we will receive 47% of adults who admit violence against children.

Also, one can note a lower susceptibility to this type of violence among people with higher levels of education. Particularly, 61% of respondents with higher education asserted that they didn’t apply physical punishment to their children, while among the group with lower level of education, proponents of physical punishment comprised 47%-52%.

Besides, rural residents are more prone to such behaviour (46%) who to a lesser or greater extent apply physical punishment. When combined with those who refused to give answers, the number reached 54%, while the scores for urban residents constituted 36% and 43% respectively. Yet again, it must be noted that such differences are by and large determined by a share of answers – “very seldom”.

“The degree of applying physical punishment to children is tracked by a few measurements. There are those who admit such form of punishment (“What else could be done to deal with this child?”), there are those who admit this to be a shameful practice, but would turn to it as a “rare and last resort” – the latter comprises individuals who wouldn’t openly admit it but recognize it as “rather bad than good behaviour” toward a child. And there are those who would deny any possibility of physical influence over a child. Among these three groups, by statistics, the first category unfortunately embraces a higher percentage than identified by this research (9,1%). And let’s not forget that children are not small individuals with small rights – they are as protected from slaps, punches and kicks as the adults are, ready to call the Police and sue for slaps and punches while not even being mindful of giving slaps to their own children when raising them.”

Serhii Burov
Coordinator, All-Ukrainian Education Program “Understanding Human Rights”, Chairman of the Board, Educational Human Rights House, Chernihiv

Oleksandr Pavlichenko
Deputy Director, Kharkiv Human Rights Group; Head of Board, Ukrainian Helsinki Human Rights Union
Human rights is an ideological concept, which quite often contradicts norms and traditions of different societies, including the Ukrainian society. However, a bigger part of our fellow-citizens do not share this view. In particular, almost 76% of respondents do not envisage any contradictions between human rights and foundational principles of their religion. Almost 84% believe that human rights entirely or almost entirely do not contradict the morals, and almost 75% of respondents do not notice any contradictions with the Ukrainian traditions. It’s important to mention, that when reflecting on more specific questions like religion or traditions (as compared to the morals), quite a number of respondents (nearing 20%) could not give a straightforward answer.

“Amongst the respondents one would rarely find those willing to juxtapose human rights with religion, the morals or tradition. However, such minorities are often active and socially highly-visible; they attempt to appear as representatives of the majority’s opinion, while not being such, as seen from the survey results. These people, however, need to be worked with and their opinion accounted for. When ignoring the conservatives, who are usually proponents of rational thinking, we would need to face fundamentalists and extremists more often, with the latter not professing rational thinking. It’s important to make further differentiation which lies beyond the scope of this research. Since a negative attitude of some tradition proponent to selected secular laws may result in moral condemnation and public controversy or lead to unlawful actions”.

Gender profiling results demonstrate, that women are more in agreement with the idea that there is unity and full compliance of human rights and religion, the morals and Ukrainian traditions. However, the total score of those who believe that the values and human rights are compliant with each other, barely overcomes the statistical error in the question of religion, where 79,6% of women and 72% of men share this position (since 24,3% of men and 17% of women could not answer the question).

It’s also interesting to compare contradictions between human rights and religion among representatives of different religious denominations. One may notice that representatives of all major denominations (including believers not belonging to any denomination) are quite positive in assessing human rights not noting any noticeable conflict with their faith.
PERCEPTION OF HUMAN RIGHTS CONCORDANCE WITH RELIGION, MORALS AND TRADITIONS OF THE UKRAINIAN SOCIETY (%)

ASSESSMENT OF EXISTING CONTRADICTIONS BETWEEN HUMAN RIGHTS AND RELIGION (denominational specifics, %)

ASSESSMENT OF EXISTING CONTRADICTIONS BETWEEN HUMAN RIGHTS AND RELIGION (gender specifics %)

NATION–WIDE OPINION POLL

VALUE–BASED DIMENSION OF HUMAN RIGHTS
An absolute majority of civil servants (54%) believe that a person is entitled to human rights since birth. Over a quarter think that rights are provided by the state, and 10% consider international treaties to be the sources of human rights, connecting in this way human rights with a certain provision in regulatory documents.

It’s an interesting phenomenon with full coincidence in assessing the importance of foundational values by civil servants and the public. The first top 6 are fully identical. At the same time, the lowest-ranking value for the civil servants appears to be financial security (45.2% of support).

Similarly, other responses by civil servants coincide with the results of the nation-wide survey, since:

- an absolute majority of civil servants agreed with the statement that human rights were universal for all countries. Moreover, a percentage of those in this group, who fully agree with the statement is significantly higher (51% of civil servants versus 34.8% for the public). A statement that “Human rights have to be different in different countries” did not find support among 2/3 of respondents as compared to 50% of the public;

- the respondents believe, human rights do not contradict either religion, or the morals, or Ukrainian traditions. Total percentage of people who supported this position, including some exceptions, are almost the same as nationwide data;

- The results of the dichotomy of «freedom vs. material wealth» are quite ambiguous, as in the national survey: 39% of the civil servants are ready to endure certain financial difficulties, while 21%, on the contrary, sacrifice certain rights, however, the largest share is among those who haven’t decided yet – 40%;

- Votes of respondents divided among two priorities individual freedom or group interest. A little more than a third consider the interests of society to be a priority, the third has the opposite opinion, and slightly less than a third did not define their position. At the same time, the overwhelming majority of respondents does not question the human right to strike as a means of expressing disagreement with the state's policy;

- 55% of polled civil servants are convinced that it is inappropriate to develop relations with countries where human rights and freedoms are violated, and 20% believe in the opposite, in case if it is useful for the country.

Legal ignorance of a quarter of civil servants who believe human rights are provided by the state raises serious concerns. Emanating from this, are issues with ensuring some legal norms in the human rights area which are blocked by officials who lack knowledge and understanding of the matter. Therefore we have “punitive” psychiatry, discriminatory practices of governmental bodies towards certain groups of citizens, poor conditions for inmates as one of the ways of punishment and many other things taking root in the absence of understanding of human rights philosophy. This is yet another argument to launch human rights education for civil servants in the country”.

Svitlana Shcherban
Research fellow, Kharkiv Institute for Social Studies

What Ukrainians Know and Think of Human Rights
JUDGES

The most cherished values in human rights, according to the judges' poll, were freedom (95%), justice (89%), equality (87%), dignity (84%), and security (82%). The least important – financial security (52% marked it as secondary or insignificant) and tolerance (46%) which corresponds with the overall public opinion, while higher attention to justice as a value is quite natural and well-received in a good sense, given this group’s context.

9 out of 10 judges are convinced that a human being is entitled to human rights since birth, where the same number of respondents is certain that protection of human rights is a state’s duty. The polled judges also confirm universality of human rights, and believe that these rights are to be enjoyed irrespective of sex, age, race, ethnicity, financial status and political views.

“Appraisal of the results by the judges confirms that in the process of judiciary reform one should not concentrate on capacity-building: in this area all is well. One should, nonetheless, stimulate a change in applying the existing regulations and norms. The tradition has to change from protecting the rights of the strong side (i.e. ‘the state’ in soviet terminology), and shift towards a person and his/her rights, which should become a priority and principal value for judges”.

Oleksandr Pavlichenko
Deputy Director, Kharkiv Human Rights Group; Head of Board, Ukrainian Helsinki Human Rights Union

Opinions of respondents have split regarding what needed to become a priority – individual’s freedom or the group’s wish. Slightly more than one third believed that freedom of the individual should become a priority, while another third believed the contrary, with slightly under third not being able to decide. Demonstrated responses are somewhat similar to the responses made by civil servants, the police, teachers and the public itself. However, civil servants and teachers gave a slight advantage to the group’s interest.

DO YOU SHARE A STATEMENT THAT IN MAJORITY OF CASES THE INDIVIDUAL’S INTERESTS NEED TO YIELD TO THE INTEREST OF THE GROUP, SOCIETY, STATE?

<table>
<thead>
<tr>
<th>Civil Servants</th>
<th>Judges</th>
<th>The Police</th>
<th>Teachers</th>
<th>Journalists</th>
<th>Human Rights Defenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>37,5</td>
<td>33,3</td>
<td>34,5</td>
<td>43,8</td>
<td>21,0</td>
</tr>
<tr>
<td>No</td>
<td>32,7</td>
<td>38,9</td>
<td>50,0</td>
<td>37,5</td>
<td>55,0</td>
</tr>
<tr>
<td>Hard to say</td>
<td>29,8</td>
<td>27,8</td>
<td>15,5</td>
<td>18,8</td>
<td>24,0</td>
</tr>
</tbody>
</table>

PUBLIC OPINION

<table>
<thead>
<tr>
<th>CIVIL SERVANTS</th>
<th>JUDGES</th>
<th>THE POLICE</th>
<th>TEACHERS</th>
<th>JOURNALISTS</th>
<th>HUMAN RIGHTS DEFENDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>43,5</td>
<td>36,4</td>
<td>20,1</td>
<td>9,7</td>
<td>69,9</td>
</tr>
<tr>
<td>No</td>
<td>32,7</td>
<td>38,9</td>
<td>50,0</td>
<td>37,5</td>
<td>24,0</td>
</tr>
<tr>
<td>Hard to say</td>
<td>29,8</td>
<td>27,8</td>
<td>15,5</td>
<td>18,8</td>
<td>20,4</td>
</tr>
</tbody>
</table>
Over 3/5 of respondents among the police are positive that a person is entitled to human rights since birth. Another quarter believes, they are given by the state.

There is no consensus among the respondents as far as a state’s role is concerned: 45% of respondents maintain that a state needs to ensure a “level playing field”, where a citizen needs to achieve success on one’s own, matched by almost the same number of respondents, who believe a state shall take care of the needs of every single individual. Interestingly, the position of the police in these questions is closest similar to the results of the nation-wide poll.

**WHAT IS THE STATEMENT THAT YOU AGREE MOST WITH?**
(nation-wide and expert survey, %)

<table>
<thead>
<tr>
<th>Statement</th>
<th>Police</th>
<th>Civil Servants</th>
<th>Judges</th>
<th>The Police</th>
<th>Teachers</th>
<th>Journalists</th>
<th>Human Rights Defenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>State is fully responsible for ensuring that every individual is provided</td>
<td>44,6</td>
<td>26,9</td>
<td>23,9</td>
<td>45,6</td>
<td>21,4</td>
<td>5</td>
<td>9,7</td>
</tr>
<tr>
<td>with everything needed for his/her welfare and development</td>
<td></td>
<td>65,4</td>
<td>71,7</td>
<td>46,6</td>
<td>73,2</td>
<td>91</td>
<td>87,4</td>
</tr>
<tr>
<td>State has to provide people with equal “rules of the game” (equal conditions and opportunities) in life, where a person is further responsible for using and taking these chances</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hard to say</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

According to the law enforcement officers, the following values were the most important for human rights: freedom, dignity, justice, security and equality. The least significant values comprised: financial security.

Despite declaring freedom as priority, 43% of respondents were ready to partially give up their rights in exchange for their welfare. The share of respondents preferring freedom over welfare included 28% of respondents.

Police officers believe that human rights per se, do not contradict either religion, or the morals, or Ukrainian traditions: 3/5 believe they are fully compliant with one each other. Nonetheless, another quarter believe that there are exceptions.
A person is entitled to fundamental rights since its birth. Such an opinion is shared by 75% of educators, with only 14% sharing a belief, human rights were granted by the state.

Freedom, dignity and justice were the most important values for human rights, according to teachers. Some 80% of respondents chose this value as a principal one. The least significant in the list of values, according to 25% of respondents, was financial security.

The most important rights, according to the teachers, included, above all, the right to life (97%), as well as freedom and personal security (75%), freedom of thought, conscience and religion (69%), prohibition of slavery and trafficking in people (64%), and justice (63%). Some social and economic rights were rated highly too, in particular, the right to education (71%), right to work and the right to just and favourable conditions of work (57%), the right to social security (50%).

Remarkably, compared with the nation-wide poll, teachers were demonstrating stronger leaning towards liberal rights if compared to social rights, which is more pertinent to the citizens of Ukraine in general.

These respondents have shown a similar trend in being ready to suffer some financial difficulties in exchange for freedom (68%). A relative minority of 13% has an opposite opinion.

Educators believe that human rights do not contradict either religion, or morals, or Ukrainian traditions. If perception of compliance of human rights with religion and morals has been unanimous among teachers, than 40% of respondents admitted the existence of certain exceptions in Ukrainian traditions that contradicted human rights.

According to the journalist community, the most important values for human rights were freedom, dignity, justice, and security. Less important, respectively, were financial security, order, patriotism and morals.

Financial security is far from being a priority for journalists. Instead, the list is topped by the right to life, the right to a fair trial, freedom of thought, conscious and religion, the right to personal security and liberty, as well as prohibition of torture, cruel or degrading treatment or punishment. The majority of respondents (74%), declare freedom as higher priority over financial security and argue that state's duty is to establish equal “rule of the game” for its people.

Similar to other groups, journalists did not see contradiction between human rights and Ukrainian traditions, morals or their religion, but at the same time they mentioned exceptions, in particular, tradition as such.

Interviewed journalists rated the state of freedom of speech in Ukraine above the average. According to their assessment, it is 6.2 points out of 10. At the same time, respondents did not deny the existence of a number of problems that violated the right to freedom of expression. Among them, most frequent were refusals to provide socially relevant information or an order for the publication of false information for discrediting a certain person. The censorship of journalistic materials or the prohibition of the publication met somewhat fewer respondents, but their number is still high and close to half.

Speaking about the censorship, the vast majority of journalists questioned its existence as a system, but acknowledged the existence of censorship in some media (as a manifestation of the censorship of the owners of these media). The phenomenon of self-censorship is also widespread and it is mostly secondary to the censorship...
of media owners or authorities. Another possible factor of self-censorship may be the journalist’s concern for own security.

Surprisingly enough, the journalists, despite their “professional interest” tend to be less radical then human rights defenders, and appear to be more lax in terms of restrictions of freedom of speech than the former. Moreover, ¾ of human rights defenders consider it wrong to not disclose truthful information even for the benefit of the state, when only 40% of journalists share such opinion. And vice versa, 2% of human rights defenders consider non-disclosure of information acceptable as opposed to 27% of such proponents among journalists. Equally, journalists demonstrate a higher tolerance towards censorship than human rights defenders, who are consistent with demonstrating a negative attitude toward limited censorship or morals as a means of its justification. Quite expectedly, such views do not find support among judges and civil servants.

Attitudes towards censorship is uncompromising among journalist-respondents: almost 30% of them consider limited censorship to be justified and almost the same share of respondents believe that freedom of speech may be limited for reason of morality. Quite disturbing data, isn’t it?

The presented data is indeed disturbing, but also disturbing is the fact that until nowadays we do not have an agreed notion of censorship yet, which would be accepted not only by the journalists, but by the society in general. Besides, we have confusion (sometimes intentional) of such notions as the editorial policy, censorship and self-censorship. Often journalists with self-censorship, who take more effort to verify the facts and circumstances, are stigmatized.

While calls to limit freedom of speech for reasons of war or morality, are disguising efforts to divert journalists’ and audience attention from certain topics which may be uncomfortable to the ruling authorities.

Do you concur that a journalist or media outlets could conceal truthful information if they believed it would be beneficial for the state?

Of course, they could, but it’s not right. In my opinion, even an immediate benefit from concealing some information causes huge losses at the end of the day. The history of Soviet Union and Ukraine – both as a socialist republic and independent state – have a lot of examples, when something was kept secret and away from people’s attention and awareness, and then it eventually dismantled public trust in both the authorities and the state itself for the benefit of which such information was withheld. Hence, I am fully convinced this may not be done.
Freedom, dignity and equality are seen as biggest values by human rights defenders. Less value is given to financial security, patriotism, morals and order.

Human rights defenders like journalists have not ranked financial security highly, hence the list of top priority rights is very similar to that of journalists: right to life, prohibition of torture, inhuman or degrading treatment of forms of punishment, right to a fair trial, personal security, freedom of thought, conscience and religion.

According to the prevailing majority of respondents, human rights are not contradictory to their religions, morals or Ukrainian traditions. However, almost 10% noted that Ukrainian traditions and human rights are more contradictory than not.

The vast majority of human rights defenders are against teaching «the Fundamentals of Christian Ethics» course in schools, while about a quarter consider that this can be done in the form of an optional subject at the request of parents and without grades. This coincides with the conviction of the respondents that freedom of religion is more important than tradition.

The position of human rights defenders is the most radical as regards the teaching of “The Fundamentals of Christian Ethics”, when compared to the most lenient to this group, and moderately-supportive group – teachers. Since, 62% or human rights defenders are against and only 1% – for teaching such subject in schools.

Polled human rights defenders concur with the fact that human rights are universal for all states, where sex, age, race, nationality, political and other views may not influence availability of unavailability of certain rights, while the state’s duty is to protect human rights.
ATTITUDE TOWARD THE SUBJECT “FUNDAMENTALS OF CHRISTIAN ETHICS” AS A MANDATORY COURSE AT SCHOOL (nation-wide and expert survey, %)

- Yes, such subject needs to be taught to all school students with engagement of representatives of Orthodox churches: 34.9%
- Yes, such subject needs to be taught to all school students with engagement of specifically trained educators: 18.5%
- Yes, this course should be optional in line with parents’ consent excluding a grading system: 5.4%
- No, it is not needed: 1.8%
- Hard to answer and other types of responses: 1.0%

In Ukraine, where the Constitution stipulates that “Church and religious organizations in Ukraine are separated from the state, as well as school is separated from the church; none of the religions may be recognized as mandatory”, majority of teachers allow different forms of religious studies at school. Under certain circumstances, the freedom of thought, conscience and religion standards allow teaching of religious studies in schools at the discretion of a state. However, even in those states, where a state or dominating religion is present, the interest of individuals, not belonging to dominating religions needs to be guaranteed.

RECOGNITION OF HUMAN RIGHTS BY THE STATE ENVISAGES AN EXISTENCE OF CERTAIN CITIZEN DUTIES VIS-À-VIS THE STATE (expert survey, %)

However, the view of human rights defenders have split and vary significantly from the opinions of civil servants, judges, and the police whether state’s recognition of human rights entails certain duties on behalf of citizens vis-à-vis the state. In particular, existence of certain duties are envisaged by 85.5% of the civil servants, by 87.2% of judges, and by 91.3% of the police. On the contrary, 6.7%, 8.9% and 4.4% of respondents respectively denied such necessity. At the same time, human rights defenders split in half in supporting and non-supporting an assumption of existing citizen duties vis-à-vis a state.
#УКРАЇН
ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN UKRAINE

A GENERAL ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN UKRAINE; EVALUATION OF THE MAIN HUMAN RIGHTS PERPETRATORS IN UKRAINE; CHANGE IN RESPECT FOR HUMAN RIGHTS AFTER THE EUROMAIDAN; PRESENCE OF SITUATIONS WHERE THE RIGHTS OF THE RESPONDENT (OR RIGHTS OF HIS/HER FAMILY OR FRIENDS) WERE VIOLATED, ETC.
The level of observance of main human rights groups in Ukraine is estimated to be average or less than average. In particular, comparing the respondents' assessments in terms of average score, we see that all estimates are lower than 3 points on a 1 to 5 scale.

Observance of political, cultural rights and basic human rights received comparatively higher scores, while the lowest rating was attributed to respect for social and economic rights. However, note that even in relation to the latter scores are not too low – the average is more than 2 points.

It should be noted that the regional breakdown retains overall trends, particularly in all regions observance of socio-economic rights received the lowest score, although, of course, there are some noticeable differences.

Particularly interesting is the more optimistic attitude of respondents in the Western region. Here, firstly, for 3 of 5 of the proposed blocks of rights the estimates are higher than the average score (mean score is greater than 3), and secondly, average scores for almost all blocks of rights in the West are higher than in all other regions.

Also worth noting is that the Donbas was not the worst in their assessments, as might be expected given the current situation in the region. Scores of observance of basic rights of the individual and political rights are the lowest among all regions. Yet, the assessment of compliance of social and economic rights turned out to be on par with the assessment in the Central region, and assessment of observance of cultural and environmental rights are even a little better than in the Central and Southern regions.

One could note almost complete gender parity, and although fluctuations were recorded on some estimates which slightly exceed the statistical error, they did not affect the overall score. At the same time, breakdown by place of residence shows several unexpected trends. Rural residents turned out to be most optimistic, while Kyiv residents were the most pessimistic on all issues rated.

Assessment of changes that have occurred over the past three years (since Euromaidan) with the situation of human rights made by population is quite pessimistic. Only about 4% said that the situation in this area has improved, and additionally about 23% believe that while something has changed for the better, something has changed for worse too. Instead, about 35% of respondents said that the situation has clearly gotten worse, and about 28% think that no change occurred.

Naturally, the deterioration of the situation in this area is more often noted by residents of Donbas, but the respective share is quite significant in other regions too; in the West, Centre and East it was about 1/3, and in the south – about 42%. Instead, Kyiv turned out to be a leader of optimistic estimates, since 7% of capital’s residents

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8 The respondents assessed observance of each of these rights on a five point scale, where 1 meant very low level of observance, and 5 meant very good observance. In the presence of such a scale the average score can be used for analysis, which ranges from 1 to 5, and the closer it is to 1, the worse total score will be, while the score is be better if tit is closer to 5.

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“I would like to meet these optimistic 3.9%, without irony. For me this group is strongly associated with ice-water swimmers, who swim all winter long and don’t care whether there is hot water or not. What a healthy people they are!”

Oleksandr Pavlichenko
Deputy Director, Kharkiv Human Rights Group; Head of Board, Ukrainian Helsinki Human Rights Union

“Perceptions of respondents about the deterioration of certain rights is only partly based on their own experience; in another part it is a reproduction of social desirability and media messages.”

Victor Pushkar
Social psychologist, PhD in psychology
OVERALL ASSESSMENT OF OBSERVANCE OF VARIOUS HUMAN RIGHTS IN UKRAINE (average scores)

- **Basic individual rights** (right to life, personal freedom, freedom of opinion and expression, freedom of movement, the right to privacy of correspondence, security of person, access to information, right to a fair trial, freedom of conscience and religion, etc.)

- **Political rights** (right to elect and be elected, to establish political parties and public associations, freedom of peaceful assembly, etc.)

- **Social and economic rights** (right to work, adequate standard of living, social security, right to health, right to conduct private business, etc.)

- **Cultural rights** (right to education, to satisfy cultural needs, including in native language, etc.)

- **Environmental rights** (right to a healthy environment, right to control the state of environment, etc.)

ASSESSMENT OF OBSERVANCE OF VARIOUS HUMAN RIGHTS IN UKRAINE (regional breakdown)

ASSESSMENT OF OBSERVANCE OF VARIOUS HUMAN RIGHTS IN UKRAINE (gender breakdown)

ASSESSMENT OF OBSERVANCE OF VARIOUS HUMAN RIGHTS IN UKRAINE (breakdown by the type of settlement)
believe that there is a change for the better, which is especially surprising given the lowest score in respect to fundamental rights in general.

However, we can assume that this assessment is a largely emotional assessment of the overall situation in the country and not their own assessment of the human rights situation. Indeed, when looking at answers about in relation to which exactly rights the situation deteriorated, the highest «rating» is given to the right to an adequate standard of living (deterioration in this area was noted by about 42% of those who answered this question), which can be seen as dissatisfaction with the deteriorating economic situation. The second and third place are entitled to the right to social security (almost 29%) and the right to work (about 27%); so, again, the socio-economic rights obtain the priority. Deterioration in other rights was noted by less than 15% of those who responded to this question.

ASSESSMENT OF CHANGES IN UKRAINE REGARDING TO HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THE TIME SINCE THE EUROMAIDAN (%)

- The situation has improved
- The situation has deteriorated
- For some rights the situation has improved; for others it has deteriorated
- Nothing has really changed
- Hard to say

ASSESSMENT OF CHANGES IN UKRAINE REGARDING TO HUMAN RIGHTS AND FUNDAMENTAL LIBERTIES IN THE TIME SINCE THE EUROMAIDAN (regional breakdown, %)
In this regard there are considerable regional differences, although «leaders» of the scores retain their primacy in all regions with some change in the «rating championship.» Thus, residents of East and West often highlighted the deterioration of the situation regarding the right to an adequate standard of living, while the deterioration of the social security rights was noted much more by residents of Western regions (about 66%) and Donbas (about 54%).

It is interesting to compare the answers of respondents on personal contact with situations of violation of rights, with answers to questions about what rights in the country have deteriorated over the past three years. And then it turns out that last idea is largely not based on personal experience, but rather on the general mood that prevails in society.

This conclusion can be drawn from the fact that for the majority of the analysed rights there is a significant discrepancy between general assessments and personal experience. Indeed, only 12% of those who noticed the deterioration of the rights to life situation in the country, personally (or on the level of relatives) experienced situations with the violation of this law. Similarly, regarding the right to liberty and security of person the corresponding figure is 29%, regarding the right to a fair trial – 20%, regarding the right to housing – about 25%, regarding the right to respect for private and family life – about 13%, regarding the freedom of expression and access to information – about 18%, regarding the right to education – about 17%, regarding the human right to the highest attainable standard of physical and mental health – about 23%, regarding the right to an effective remedy against violations of rights – about 17%, regarding the prohibition of discrimination on any grounds – about 28%, regarding the right to own property – about 14%, regarding the freedom of elections – about 26%.

Most of convergence between the assessment of the general state of the rights and personal experience is about «economic rights» – the right to social security (45% of those who said the situation in the country regarding this right is deteriorating have experienced violation of own right in this area), right to an adequate standard of living (also about 45% of matches) and the right to work (about 35% of matches).

As for the rights, in which the situation has improved, the most often quoted have been freedom of thought, conscience and religion and freedom of expression and access to information. However, it should be noted that the «leadership» of these elements is rather arbitrary, since the improvement of freedom of speech and conscience was noted only by 13% of respondents, while the improvement of the situation with freedom of expression – only by 11%, and such scores are due to answers of mainly one region (West). While in other regions, these scores are below the average for the data set. Instead, in all regions, most respondents either could not specify in which areas the improvement occurred, or indicated that there was no improvement at all.

**DETERMINATION AS TO THE RIGHTS THE SITUATION OF WHICH HAS IMPROVED SINCE EUROMAIDAN (%)**

<table>
<thead>
<tr>
<th>Right</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom of thought, conscience and religion</td>
<td>13,1</td>
</tr>
<tr>
<td>Freedom of expression and access to information</td>
<td>11,0</td>
</tr>
<tr>
<td>Freedom of assembly and association</td>
<td>9,5</td>
</tr>
<tr>
<td>Freedom of movement and to choose one’s place of residence</td>
<td>6,8</td>
</tr>
<tr>
<td>The right to liberty and security of person</td>
<td>5,2</td>
</tr>
<tr>
<td>The right to participate in cultural life</td>
<td>5,1</td>
</tr>
<tr>
<td>Hard to say</td>
<td>54,0</td>
</tr>
<tr>
<td>None</td>
<td>5,0</td>
</tr>
</tbody>
</table>

*It was allowed to mark several answers. Answers are ranked by decreasing frequency of mentions.*
Human rights are always a set of rules between the people, the state, and national authorities. Therefore, business, criminal structures and citizens themselves cannot be considered as perpetrators against human rights. These structures may contribute to human rights violations, but the responsibility is always on the authorities, which should make every effort to guarantee and protect these rights.

Therefore, in terms of human rights the biggest violators will always be the executive authorities, including law enforcement officers, who commit rights violations directly. However senior officials, particularly Members of the Parliament, having no direct relation to the significant amount of human rights violations in the country may, instead adopt laws which could violate human rights.

Thus, this issue shows that some respondents do not fully understand the nature and content of human rights, making their own interpretation of this, which is based on the overall assessment of the good or the bad that happens in the country.

The biggest human rights abusers, according to Ukrainians are Members of Parliament and the Verkhovna Rada as a whole, the President of Ukraine, criminal structures, the Government of Ukraine and local authorities. But such a set of actors may indicate that the answer to this question reflects more general dissatisfaction with the economic situation and the activities of the government, and not direct violation of specific rights.

**TOP 10 HUMAN RIGHTS ABUSERS IN UKRAINE (%)**

<table>
<thead>
<tr>
<th>Perpetrator</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members of Parliament</td>
<td>46.7%</td>
</tr>
<tr>
<td>The Verkhovna Rada of Ukraine</td>
<td>40.6%</td>
</tr>
<tr>
<td>The President of Ukraine</td>
<td>38.5%</td>
</tr>
<tr>
<td>Criminal groups</td>
<td>37.8%</td>
</tr>
<tr>
<td>The Government of Ukraine (the Cabinet of Ministers of Ukraine)</td>
<td>37.1%</td>
</tr>
<tr>
<td>Local authorities (village or city level: councils, and their executive bodies, State Administrations, local public servants)</td>
<td>36.2%</td>
</tr>
<tr>
<td>Executive bodies (Ministries, Departments of Social Protection, the Pension Fund, Bailiff Service, State Penitentiary Service, etc.)</td>
<td>33.8%</td>
</tr>
<tr>
<td>The Prime Minister of Ukraine</td>
<td>30.9%</td>
</tr>
<tr>
<td>The Prosecutor’s Office</td>
<td>27.9%</td>
</tr>
<tr>
<td>Citizens themselves</td>
<td>27.2%</td>
</tr>
</tbody>
</table>

It is significant that ideas of the main perpetrators of human rights violations are by and large similar across all regions, in all types of settlements, while gender disparity does not exceed the statistical error.

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\(^{10}\) Answers are ranked by decreasing frequency of mentions.
Low human rights compliance scores are probably associated with negative personal experiences of respondents. Indeed, about half of them in one way or another experienced situations of one’s own human rights violations or those of their relatives. Close to 8% said that they had experienced such situations constantly, another 24% said that such situation happened occasionally, while the remaining 15% have had sporadic experience of their rights being violated.

The most controversial in this regard appeared to be the situation in Western Ukraine. On the one hand, the inhabitants of this region more often than representatives of other regions noted the systematic violation of their rights (about 16%, while in other regions corresponding proportion is ranging from 2% to 8%).

SITUATIONS WHERE THE RESPONDENT’S RIGHTS (OR THE RIGHTS OF FAMILY/FRIENDS) WERE VIOLATED (%)

- Violations occurred regularly: 8.2%
- Violations occurred occasionally: 14.6%
- Violations occurred happen rarely (once or twice): 14.5%
- No violations occurred: 38.8%
- Hard to say: 14.5%

(Situation in Western Ukraine)

WEST

CENTRE

EAST

SOUTH

DONBAS

What Ukrainians Know and Think of Human Rights
NATION-WIDE SURVEY

While on the other hand, residents of the region were also significantly more likely (about 53%) to note that such situations did not exist. In general, the least frequent encounters of rights violations have, surprisingly, been reported by the residents of Donbas (among them, about 73% had never even faced any such situations or faced them very rarely), while the worst scores were documented in the Centre (around 38% or respondents constantly or occasionally faced human rights violations) and the South (about 33% faced such occurrences on rather frequent occasions).

It is also worth noting that urban residents fell victims to rights violations more frequently (50% vs. 41% of rural residents), but we can assume that in this case main reasons are greater sensitivity of the urban residents to the violation of their rights and greater tolerance of rural residents.

As before, when asked which rights exactly had been violated, the respondents spoke mostly of the socio-economic block – the right to an adequate standard of living (29% noted the violation of this right), the right to social security (about 24%), the right to work (about 22%). Problems with the rest of rights were noted by relatively small proportion of respondents.

TOP 10 PERSONAL EXPERIENCE OF ONE’S HUMAN RIGHTS VIOLATIONS (%)\textsuperscript{11}

<table>
<thead>
<tr>
<th>Human Rights Violation</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to an adequate standard of living</td>
<td>29.0</td>
</tr>
<tr>
<td>Right to social security</td>
<td>23.5</td>
</tr>
<tr>
<td>Right to work and right to just and favourable conditions of work</td>
<td>22.1</td>
</tr>
<tr>
<td>Right to liberty and personal integrity</td>
<td>11.4</td>
</tr>
<tr>
<td>Right to fair trial</td>
<td>9.5</td>
</tr>
<tr>
<td>Right to housing</td>
<td>9.1</td>
</tr>
<tr>
<td>Right to own property</td>
<td>6.6</td>
</tr>
<tr>
<td>Right to the highest attainable standard of physical and mental health</td>
<td>6.4</td>
</tr>
<tr>
<td>Right to an effective remedy</td>
<td>6.4</td>
</tr>
<tr>
<td>Prohibition of discrimination on any grounds</td>
<td>6.1</td>
</tr>
<tr>
<td>Hard to say</td>
<td>16.8</td>
</tr>
</tbody>
</table>

Moreover, women more often than men were facing violation of their rights to social security (25.9% compared to 20.8%) and of respect for private and family life (4.9% vs. 1.2%), while regarding the rest of the human rights the difference in responses of men and women almost did not exceed the statistical error.

There are regional differences in assessment of violation of different rights, namely:

- residents of the Western region more frequently reported violations of the right to an adequate standard of living; also, residents of that region somewhat more frequently reported violations of their right to health care;
- Donbas residents somewhat more frequently mentioned violation of their right to free voting and the right to the freedom of movement (although in absolute terms, violation of these rights was reported by a rather small share of respondents from that region);
- residents of the Central region relatively more frequently reported violation of their rights to work and adequate working conditions, to freedom and personal integrity, to a fair trial, and to shelter.

\textsuperscript{11}Answers are ranked by decreasing frequency of mentions.
Notably, when answering questions about specific criminal actions that they fell the victims to, the majority (62%) of respondents said that neither they personally, nor their relatives experienced any kind of illegal or discriminatory actions, and a considerable part of responses (18%) was on salary non-payments. Out of the latter, the majority (59%) experienced this as an isolated instance while about 21% had experienced such situation two time, 11% – three times and some 9% – have had four or more instances. A relatively limited share of the respondents faced other negative situations. Regardless of instances of salary non-payments, about 28% of respondent had fallen victims to other rights violations, constituting a rather high percentage.

**TOP 10 ILLEGAL OR DISCRIMINATORY ACTIONS (%)**

<table>
<thead>
<tr>
<th>Action</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary non-payments</td>
<td>17,7</td>
</tr>
<tr>
<td>Discrimination on any grounds</td>
<td>8,9</td>
</tr>
<tr>
<td>Pat-down and search of personal belongings by a police patrol in the street</td>
<td>6,6</td>
</tr>
<tr>
<td>Arbitrary detention</td>
<td>5,1</td>
</tr>
<tr>
<td>Restriction on the right to read certain books, watch certain films, etc.</td>
<td>4,5</td>
</tr>
<tr>
<td>Unjustified use of force by the police</td>
<td>3,9</td>
</tr>
<tr>
<td>Denial of disclosing public information by public authorities in response to a public enquiry</td>
<td>3,4</td>
</tr>
<tr>
<td>Unwarranted search</td>
<td>3,3</td>
</tr>
<tr>
<td>Intimidations after criticizing the authorities</td>
<td>2,9</td>
</tr>
<tr>
<td>Disclosure of private medical information</td>
<td>2,2</td>
</tr>
<tr>
<td>No, my family/friends and I have not had such experiences</td>
<td>62,3</td>
</tr>
</tbody>
</table>

The lowest level of experiencing illegal actions was in the Western region. There almost 75% of respondents indicated that they had not experienced any of these situations. The corresponding figure is not much different in the South, the East and the Donbas. As for specific forms of illegal actions, we can note frequent salary non-payments in the Central and Eastern regions (about 22% of the inhabitants of these regions experienced in such situation).

The comparison of answers to the latter questions with responses to earlier questions about frequency of respondents’ experience with rights violations, suggests a considerable discrepancy in these estimates. In particular, of those who alleged that they regularly experienced violations of their rights, only about 53% experienced the above situations, while the respective figure would be higher among those who believed to have experienced rights violations less often (about 67 % of those who indicated that violations of their rights occurred from time to time, and about 73% of those who indicated that violations occurred once or twice).

This suggests a conclusion that a considerable part of those who reported regular violation of their rights, tends to overestimate the intensity. In addition, as mentioned above, the respondents had a week understanding of what exactly was human rights violation.

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12 It was allowed to mark several answers. Answers are ranked by decreasing frequency of mentions.
ASSESSMENT OF VARIOUS HUMAN RIGHTS OBSERVANCE

It should be noted that the assessment of observance of various categories of human rights by state officials is not significantly different from similar assessments made by citizens of Ukraine in the nation-wide poll. However, certain insignificant differences should be pointed out, in particular:

- public officials gave a higher score than the population to the state of socio-economic rights (2.7 points, which brings them closer to the average). Besides that, cultural rights got a better score, with 3.5 being the highest averages among groups of rights;
- judges and police rated observance of basic, political and cultural rights above average;
- scores given by teachers are very similar to the national results, but observance of cultural rights from the point of view of this group is somewhat higher than the average;
- journalists rated observance of political and cultural rights above average;
- and human rights defenders gave the lowest score among all groups to the observance of social and economic and environmental rights.

ASSESSMENT OF RESPECT FOR HUMAN RIGHTS
(nation-wide and expert survey, %)

The evaluation of changes in the observance of human rights among the groups is significantly different from the nation-wide survey results testifying improvements, since the percentage of those who appreciated the alleged positive changes was much higher than among the general population. And vice versa – the percentage of those who believed that the situation has deteriorated was lower. Moreover, it is indicative that the lowest number of «proponents of negative dynamics» is among human rights defenders and journalists.
ASSESSMENT OF THE CHANGE IN HUMAN RIGHTS SITUATION IN THE POST-EUROMAIDAN YEARS  
(nation-wide and expert survey, %)

It should also be noted that positions on the subjects of human rights violations among these groups differ. Thus, according to the judges the main violators of human rights are MPs and Parliament of Ukraine at large, as well as the Cabinet of Ministers. Almost half of the judges indicated this. Somewhat fewer respondents (about a third) named criminal structures, executive authorities, police, and citizens as serious violators of human rights. Similarly, law enforcement officers see MPs and Parliament (40% and 31% of mentions respectively) as the main violators of human rights. Significant violators of human rights in perception of police are criminal groups (30%), government (26%) and citizens themselves (24%).

Instead, the journalists’ «black list» is topped by local authorities, executive bodies, criminal groups and citizens themselves. Quite expected is the vision of human rights defenders, who maintained that the biggest human rights violators in Ukraine are the duty-bearers: executive bodies, the Security.
Reforms are the key factor to alter any situation with human rights observance. Since the Revolution of Dignity, authorities launched a series of systemic reforms, which were to result in improvements in the field of human rights. The way that the population assesses these reforms is evident in a response from 1/3 of the population that believes that the situation has changed for the worse, and the other 1/2 of the respondents who believe that nothing fundamentally has changed.

Thus, the study attempted to compare the results of a nation-wide survey with opinions of expert groups, especially those who experienced the innovations of reforms.

Judicial reform

Respondents among judges estimated the results of the judicial system highly in the protection and observance of human rights. Role of this system as positive was noted by 90% of respondents. As a result, according to about half of the judges in the survey the judicial system improved comparing to 2013, and only a fifth has the opposite opinion.
However, this position is not supported by responses of human rights defenders, half of whom (47.6% – mostly negative, 6.8% – absolutely negatively) in response to a similar question about the assessment of the judiciary system inclined to a negative score, and also more than a third (38.8%) believed that the changes had an equal number of pros and cons, and more than half (59.8%) human rights defenders did not see any changes in the judicial system since 2013.

One third of the judges surveyed said that after 2013 the judicial system in Ukraine improved, while a fifth part has the opposite position. What do you think?

The positive dynamics is associated with the logistics of the judicial system. In recent years, we have finally achieved the situation where the judges are not purchasing paper and envelopes at their own expense... The courts are full of staff, salaries increased (previously they were about 60% less), and staff turnover stopped.

Moreover, we begin to partially switch to electronic justice – it simplifies the work of judges. I think that the positive assessment by judges is related to this.

On the one hand, the judicial system is being cleansed, and, at the same time, the court system is trying to create normal working conditions. Not so much for itself, as for citizens.

Evaluating the independence of justice in modern conditions, 4/5 of judges surveyed do not doubt that in Ukrainian conditions the judge can be independent and make decisions based solely on the law. This conclusion, maybe not with an equal degree of confidence, is shared by human rights defenders and law enforcement officials alike.

DO YOU BELIEVE THAT JUDGE IN UKRAINE CAN BE INDEPENDENT AND MAKE DECISIONS BASED SOLELY ON THE LAW? (expert survey, %)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judges</td>
<td>81.7</td>
<td>10.6</td>
</tr>
<tr>
<td>Police Officers</td>
<td>53.9</td>
<td>32.5</td>
</tr>
<tr>
<td>Human Rights Defenders</td>
<td>61.2</td>
<td>21.4</td>
</tr>
</tbody>
</table>

Despite this, judges recognize the negative impact of a number of factors on justice. First of all, more than half of respondents believe that political pressure from officials can adversely affect the court’s decision. Another significant negative factor is fear for the life and safety of judges, rallies at the court doorstep and media pressure – negative impact of these factors was acknowledged by a third of the judges.
Only a fifth of judges surveyed believe nothing and no one can influence judicial decisions. At the same time, police and human rights defenders, giving the answer to this question, somewhat shifted the emphasis by betting on corruption risks and pressure from political parties and leadership.

4/5 of judges surveyed do not doubt that in Ukrainian conditions the judge can be independent and make decisions based solely on the law. Do you share this opinion? Why?

I share that opinion. There are two aspects: external impact and internal independence. It all depends on how the judge psychologically ready to take risks, including security risks, and how the judge is internally independent.

Another factor is responsibility. If the judge examines the case alone, (s)he is solely responsible for the decision, and when the case is examined collegially, the board is responsible for the decision. Judges are not always ready express their personal opinion, because the Soviet past, which still influences us, “switches on”: when a dissenting opinion is an exceptional event. I wish a separate opinion of the judge to become a topic of systemic debate in professional legal community, such as a law mindedness, or its improvement, or different interpretations of the law among scientists.

Police reform

This situation is very similar to the justice sector reform: while according to more than half (55%) of the representatives of the National Police interviewed the police reform is a success and the quality of the Ministry of Internal Affairs slightly increased since 2013 (so says 49% of respondents).

Other groups of respondents do not share this positive assessment:

- about 70% of judges surveyed believe that police reform was bad or even very bad, and, moreover, interviewed judges noticed setback in the work of Ministry of Internal Affairs (63% of respondents);
- human rights defenders shared a similar opinion on the assessment of the Ministry of Internal Affairs, with 55.4% of them answered that the Ministry operations today are unsatisfactory. However, 46.6% are sure that compared to the 2013 situation has somewhat improved.
The reforms conducted in the Ministry of Internal Affairs and Prosecutor’s Office did not find a positive response among judges surveyed. About 70% of respondents believe them to be bad or even very bad. Why is that?

It’s true. The problem is that the main objective of the reforms was the gaining of trust. Trust is really important, but the reform cannot consist solely of external factors. The criterion of trust must be the result.

Jurisprudence is law multiplied by procedure. And procedure is a guarantee of equality of opportunity to prove one’s innocence. If procedure is violated, then this equality can be broken in favour of somebody. That is, all procedures shall be followed. No one can tell the judge to release a certain person and to arrest another.

I recently watched in horror an interview of a police representative, who said: “How is it that a person has the right to appeal the ruling, and the policeman cannot?” Excuse me, where are we going? To police state or we still want to protect human rights? The police must perform their job professionally. And a person’s right is to prove that this work was not done professionally or to prove own innocence.

At this point, the problem of the role of prosecutors arises. Prosecutors often pass raw materials to the court, then cannot reasonably prove the guilt of the suspect, cannot bring witnesses.

Valentyna Symonenko
Head, Council of Judges of Ukraine
ПРАВА ЛГБТКІ = ПРАВА ЛЮДINI
DISCRIMINATION AND TOLERANCE LEVELS ASSESSMENT

ASSESSMENT OF THE PROBLEM OF DISCRIMINATION AND PERSONAL EXPERIENCE OF RESPONDENTS; ASSESSMENT OF FEATURES THAT ARE MOST OFTEN DISCRIMINATED AGAINST IN UKRAINE; ASSESSMENT OF ACCEPTABILITY/UNACCEPTABILITY OF DISCRIMINATION AND RESTRICTIONS OF THE RIGHTS OF CERTAIN GROUPS – ROMA, INTERNALLY DISPLACED PERSONS, MEMBERS OF THE LGBT COMMUNITY, ETC.; OPINION ON THE ASSAULT ON THE ROMA COMMUNITY AS A RESPONSE TO A CRIME; ATTITUDE TO THE POOR CONDITIONS OF PRISONERS AND OTHERS.
Discrimination is viewed as a prevalent element in our society. Although, only about 16% of respondents consider the problem of discrimination to be very serious, yet about 44% consider it not critical, but serious. Therefore, nearly 60% of the respondents noted that such problem existed.

Given the specifics of the current situation in the country, it is not surprising that a more negative assessment was given by residents of Donbas, out of which almost 74% considered discrimination to be a very serious or somewhat serious issue. Despite being still in the high (nearing 53%), the lowest level of public concern over the issues is documented in the Central region. All other regions demonstrated approximately the same level of concern.

ASSESSMENT OF THE SERIOUSNESS OF THE PROBLEM OF DISCRIMINATION IN THE UKRAINIAN SOCIETY (%)
Assessment of the issue of discrimination finds a slightly higher acknowledgment with 18% rating the issue as very serious, while the corresponding share among the rural population constituted about 11%. However, when making such assessment in a broader sense (whether such problem existed or not), then no essential differences in the answers of urban and rural residents have been recorded.

Among the rest of the major groups (by gender, age, education, property status) differences in these estimates are virtually absent.

“The willingness and the ability to overcome the problem depends on the level of awareness and understanding. Discrimination is oftentimes viewed as a minor problem, which explains the social exclusion of people with disabilities, outbreaks of hate speech in situations where representatives of various minorities are involved. Domestic anti-Semitism, which has almost no mention, in Soviet times had almost become an institutionalized phenomenon – we, therefore, are overcoming the post-Soviet legacy.”

Assessment of discrimination as an issue would be incomplete without analysis of respondent’s own «discriminatory experience». And this analysis leads to the conclusion that the assessment of the seriousness depends on the presence or absence of such personal experience. In particular, among people who faced such cases often enough (5%) or occasionally encountered them (35%), 78.5% consider discrimination as a serious (very or in general) problem and only 13.6% do not consider it to be an issue. At the same time, the respondents who have not personally faced discrimination (52%), such opinion is shared by more than a third (35.5%), with 18% not being able to answer the question, while the opinion on the seriousness of the problems is shared by less than a half (46.5%).

A significant part of respondents (10%) indicated discrimination as a serious issue despite the lack of personal negative experience. This could be explained by the fact that understanding of the notion of discrimination may be influenced by the available discourse present in the media and circulated by the interpersonal communication channels.

It should be noted that the personal experience with instances of discrimination were often noted by the residents of the Central region; among them, some 51% said that they had faced discrimination often or occasionally. Instead, most of those who haven’t had such experience resided in the West (about 60%) and East (about 62%).

A slightly higher level of personal negative experiences was observed among middle-aged and older persons, since close to 50% of them mentioned that they hadn’t experienced discrimination, while the corresponding figure among the youth constituted nearly 58%. Moreover, women and men are almost unanimous in assessing the seriousness of the problem and as well as their personal experience.

ASSESSMENT OF PERSONAL EXPERIENCE DEALING WITH DISCRIMINATION (%)
ASSESSMENT OF THE SERIOUSNESS OF THE ISSUE OF DISCRIMINATION IN GROUPS OF PERSONS WHO PERSONALLY FACED / HAVE NOT FACED THIS PROBLEM (%)

The respondents reported multiple types of discrimination. Age discrimination (about 37% of respondents noted its existence) and discrimination of people with disabilities (about 33%) were issues to be named most often. Another 1/4–1/5 of respondents noted the discrimination on the basis of property status, sexual orientation, sex, state of health, and political views.

If we consider the «competent» respondents (those who said they had personal experience of discrimination), the general order for the identified types will remain virtually the same, except for, sexual orientation, which in perceptions of all respondents was ranked 4th, while among those who directly experienced discrimination it took 7th place. More than half of the «competent» respondents reported on age discrimination and discrimination of people with disabilities.

TOP 10 MOST COMMON GROUNDS OF DISCRIMINATION IN UKRAINE (%)\(^{13}\)

<table>
<thead>
<tr>
<th>Ground</th>
<th>% of all respondents</th>
<th>% of those who personally encountered cases of discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>37,4</td>
<td>57,4</td>
</tr>
<tr>
<td>Disability</td>
<td>32,7</td>
<td>48,8</td>
</tr>
<tr>
<td>Property status</td>
<td>24,4</td>
<td>34,0</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>21,6</td>
<td>26,5</td>
</tr>
<tr>
<td>Sex</td>
<td>20,4</td>
<td>32,3</td>
</tr>
<tr>
<td>Health status</td>
<td>20,3</td>
<td>31,5</td>
</tr>
<tr>
<td>Political beliefs</td>
<td>19,9</td>
<td>28,7</td>
</tr>
<tr>
<td>Ethnicity (nationality)</td>
<td>14,8</td>
<td>19</td>
</tr>
<tr>
<td>Religious beliefs</td>
<td>12,2</td>
<td>16,5</td>
</tr>
<tr>
<td>Status of internally displaced person</td>
<td>11,8</td>
<td>14,5</td>
</tr>
</tbody>
</table>

However, the respondents who noted the presence of discrimination on certain grounds, mainly indicated several of them. In particular, only about 18% of respondents mentioned just one certain basis of discrimination, while about 21% mentioned two, some 22% mentioned three, and about 39% – 4 and more bases at the same time.

\(^{13}\)Answers are ranked in order of decreasing frequency of selection of different grounds among all respondents.
The survey done by the Rating group (2015) in high proximity gives the same assessment of age discrimination as the earlier survey by the Kharkiv Human Rights Group (2009), and the survey in question. Perception of discrimination on the basis of property status increased due of the obvious reasons – the economic crisis and decreasing purchasing power.

In parts, where it’s possible to compare the current figures with the 2009 survey results, one may spot a slight decrease in discrimination based on sex and sexual orientation. However, there is an increase in discrimination on religious grounds, which can actually mean a real increase of cases of discrimination as well as the subjective perceptions of discrimination growth by believers; actual inequality of denominations opposed to their equality from the legal standpoint remains an issue.

Despite the alleged growth of xenophobia and ethnically-motivated hatred circulated by the media, perception of discrimination on ethnic grounds remains at 2009 level, contradicting theories that involve the growth of ethnically-based conflicts. However, the value of 14% should be taken seriously, especially in areas where minorities reside. A high level of negative attitudes towards Roma is still in place, which should be interpreted as xenophobia, and not as an attempt to establish social distance (full approval of the Loshchyna collective responsibility of the community over the murder of 9-year girl by a Roma community member constitutes 20%, and 38% – partial approval).

In singling out of the grounds of discrimination, one may observe notable regional differences. In particular, Donbas stands out by a number of attributes. Its residents much more often than residents of other regions noted the existence of an age-based discrimination, discrimination based on the status of internal displacement, political beliefs and often noted the facts of gender-based discrimination. Also the respondents of the Centre and South strand out in this respect. The latter noted the presence of discrimination based on age, sex, sexual orientation, disability, political beliefs more often. Besides, the rates of discrimination perception by nationality and religious beliefs were higher in the South. On the other hand, residents of the Western and Eastern regions demonstrated mostly the same or even higher scores than in other regions. Based on the data presented, we can conclude that the sense of discrimination is more acute in the Donbas, the Centre and the South, while the problem appears to be less outstanding for the inhabitants of the West and the East.

“The high level of perception of discrimination among residents of Donbas is quite predictable, The latter have fallen victims to typical bias when looking for a job or housing or during interpersonal communication with new people – neighbours, colleagues and others. In addition, displaced persons often experience a “double” or even “triple” discrimination. Furthermore, discrimination based on the displacement status is topped with political beliefs and “traditional” types of negative attitude towards people of a certain age and gender.”
Gender disaggregation shows almost no differences that would go beyond the statistical error, whereas the age breakdown provides a cause for reflection. In particular, a sense of discrimination based on age and health status is higher among the elderly people (about 45% and 26% respectively), whereas among younger groups the figure ranged between 32–36% and 17–18.5%, respectively. Instead, young people noted the existence of discrimination based on ethnic origin and sexual orientation more often. On the latter, it may be assumed that this reflects not the personal experience in the first place, but a higher tolerance level by a younger generation towards representatives of the LGBT community, since the discrimination against gay, lesbian, bisexual, and transgender people is perceived sharper from youth’s viewpoint than by elderly groups, which is reflected in the assessments of the existence of such discrimination.
Matching an opinion on the unacceptance of discrimination and assessment of specific discriminatory practices, as well as the readiness to restrict the rights of different social groups on certain grounds provided interesting findings. The results of this comparison are rather alarming, because despite the stated unacceptability of discriminatory practices, respondents treated the possibility of human rights restrictions quite liberally, at least admitted that it could possible under certain conditions.

According to the study, over a half of the Ukrainian population gives absolute advantage to egalitarian approach to human rights: the vast majority of respondents fully or partially agreed that human rights should be ensured regardless of sex, age, race, nationality, political or other ideological beliefs of a person. And this position finds almost no differences among respondents of various region of residence, age or sex.

A DEGREE OF CONCURRENCE THAT THE FOLLOWING FACTORS SHOULD NOT DETERMINE AVAILABILITY OF SPECIFIC HUMAN RIGHTS (%)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Agree</th>
<th>Tend to agree</th>
<th>Tend to disagree</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex or age</td>
<td>60,3</td>
<td>28,6</td>
<td>6,3</td>
<td>3,0</td>
</tr>
<tr>
<td>Race or nationality</td>
<td>60,3</td>
<td>30,0</td>
<td>5,0</td>
<td>2,6</td>
</tr>
<tr>
<td>Political and other beliefs</td>
<td>55,2</td>
<td>29,6</td>
<td>8,5</td>
<td>2,6</td>
</tr>
</tbody>
</table>

However, as far as the attitude to limit the rights of certain social groups is concerning (in the survey, the respondents were asked to assess 8 groups), the situation is ambiguous. On the one hand, the level of a clear willingness to restrict the rights of persons belonging to these groups is low: the respondents are more willing to restrict the rights of drug users (about 26%), people with alternative political views (about 19%) and LGBT (about 19%) and least willing to restrict the rights of the unemployed (about 3%) and immigrants from the Donbas (about 4%).

“Probably, the choice depended on the level of empathy or condescending attitude towards a certain group, understanding of their vulnerability compared with other groups.”

Serhii Burov
Coordinator, All-Ukrainian Education Program
“Understanding Human Rights”, Chairman of the Board, Educational Human Rights House, Chernihiv
Most disturbing is the percentage of people who are «under certain circumstances» still concur with such restrictions, because the term «certain circumstances» is rather abstract and in reality it can include a very wide range of situations. And in general, even those who theoretically admit such restriction are in some sense in “a risk group», leaning in favour of the acceptability of discrimination. Thus, 66% of respondents approve of rights restriction of drug users, while almost 53% support restricting the rights of former convicts. , the third place was given to the people with varying political views, such as those supporting the Russian aggression – about 50% of «negative» answers, and also a high «negative» scores were given to Roma (about 48%) and members of the LGBT community (46%). The least negative perception was demonstrated in relation to the displaced persons from the Government non-controlled territory of Donbas and unemployed people.

<table>
<thead>
<tr>
<th>Social Group</th>
<th>Definitely, they are to be restricted</th>
<th>May be somewhat restricted under certain circumstances</th>
<th>May not be restricted</th>
<th>Hard to say</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug addicts</td>
<td>26,2</td>
<td>39,8</td>
<td>26,1</td>
<td>7,9</td>
</tr>
<tr>
<td>Ex-prisoners</td>
<td>11,8</td>
<td>41,4</td>
<td>39,2</td>
<td>7,6</td>
</tr>
<tr>
<td>LGBT</td>
<td>18,9</td>
<td>27,3</td>
<td>41,3</td>
<td>12,5</td>
</tr>
<tr>
<td>Unemployed people</td>
<td>2,6</td>
<td>14,7</td>
<td>76,5</td>
<td>6,2</td>
</tr>
<tr>
<td>Roma</td>
<td>11,2</td>
<td>36,3</td>
<td>42,0</td>
<td>10,5</td>
</tr>
<tr>
<td>Homeless people</td>
<td>5,1</td>
<td>26,6</td>
<td>58,4</td>
<td>9,9</td>
</tr>
<tr>
<td>People with certain political opinions</td>
<td>19,3</td>
<td>30,2</td>
<td>39,0</td>
<td>11,5</td>
</tr>
<tr>
<td>Oligarchs</td>
<td>20,3</td>
<td>32,0</td>
<td>35,4</td>
<td>12,3</td>
</tr>
<tr>
<td>Internally displaced persons</td>
<td>3,5</td>
<td>17,0</td>
<td>73,1</td>
<td>6,4</td>
</tr>
</tbody>
</table>

“This data suggest that the overall assessment of the answers to questions about the universality of human rights is far from the real picture. Specifically, people readily make favourable responses to general questions, especially when the latter are about things they do not fully understand. However, when the questions start to become more specific, they begin to demonstrate their true level of acceptance of certain values, including the human rights.”

—Iryna Fedorovych
Coordinator, Coalition for Combating Discrimination in Ukraine
Regional breakdown of the assessment of the possibility of limiting certain rights was quite diverse and vividly demonstrated the specifics of regional «painful points». Thus, the closest positions in different regions concern equal rights for unemployed people, homeless and displace citizens from the Donbas. The highest disproval in all regions was acknowledged in relation to drug addicts, while the most prepared for such restrictions were residents of Donbas (only 6% of them considered such restrictions unacceptable), and the Southern region (about 12%). While most discrepancy was caused by the attitude towards the LGBT community, Roma and people with other political views (including those who support the Russian military aggression).

“*The difference between responses to restrict the rights of certain groups of people and a “softer” approach to limit human rights of the unemployed people indicates that people are less inclined to restriction / denial of the rights of those with whom they associate themselves easier. It is much easier to imagine being unemployed than being a Roma or a representative of the LGBT community.*”

Iryna Fedorovych
Coordinator, Coalition for Combating Discrimination in Ukraine

Regarding ex-convicts, the attitude to them is more lenient among the representatives of the Western, Eastern and Donbas regions (in these regions about half of respondents were against restricting the rights of this group), while the most negative attitude was shown by residents of Central and Southern regions (at least over 2/3 of respondents recognized the presence of circumstances that would allow to impose such restrictions).

Regarding the rights of LGBT community, a much worse attitude to them was demonstrated by residents of the Southern region (where about 62% admitted the possibility of restricting their rights), while the largest proportion of those who disagreed with restrictions appeared to be in the Western (more than a half) and Eastern (slightly less than a half of the respondents) regions.

Opinion on the rights of Roma also differs in different regions. Representatives of the Western and Eastern region were often against restricting their rights (where about 53% and 48% respectively denied the possibility of restricting their rights), while most of tolerance to such restrictions was demonstrated by inhabitants of the Southern region (almost 60% support such restrictions).

“The non-admittance of Roma as equal members of society is not news, but for decades the situation has not improved, while in times of economic crisis a rejection for the most poor and marginalized groups to which most of Roma representatives belong, severe life circumstances further exacerbates the situation of the Roma people.”

Oleksandr Pavlichenko
Deputy Director, Kharkiv Human Rights Group; Head of Board, Ukrainian Helsinki Human Rights Union

The rights of people with unpopular political views (such as those supporting the Russian aggression) may be restricted according to residents of the Centre and the South (the idea of this limitation was supported by about 60% in each of these regions), and, vice versa, denied by West, East, and especially in the Donbas.
An attitude to such a group as «oligarchs» is an interesting case because a bit more than 60% of the population in all regions, except for Donbas, supported (fully or partially) restricting the rights of this group, with about 52% denying such a restriction.

In general, when comparing the data across all regions, the South of Ukraine turns out to be the most ready to limitations, while the West and Donbas regions appeared to be the most tolerant.

As far as the possibility of discrimination against certain groups is concerned, age specifics played a role, when is the groups of drug users, Roma, representatives of the LGBT community, and «oligarchs» received a more negative assessment on behalf of older persons. In other words, representatives of the elderly age group (over 54 years) appeared to be the most active supporters of rights restriction for these groups (although these differences were not significant). For other age groups, the differences in the estimates have not been documented.

If we compared the data by type of settlements, the most «aggressive» are Kyiv residents, while the residents of villages and district centres demonstrated a relatively higher level of disagreement with the idea of the rights restriction in almost all questions.

ASSSESSMENT OF SPECIFIC CASES OF DISCRIMINATORY ACTIONS

Since quite often abstract assessments does not correspond to the real situation, and the issue of discrimination in Ukrainian society in general is rather new and finding little understanding among a large number of people, the correctness of abstract understanding was checked against an assessment of specific examples and situations.

Respondents were asked to assess the correctness or incorrectness of actions of residents in a specific situation, in particular – on the events in the village of Loschyynivka when local residents in response to the murder of a child by a local Roma community member turned their anger on the whole community, forcing them to leave the village. So, the perception of the collective responsibility principle was assessed, which contradicts modern norms on the inadmissibility of shifting of the guilt.
As a result, the position of the respondents came rather ambiguous. In particular, of those respondents who knew (heard) something about the situation, only about a third condemned this way of response, a little more than a third admitted the existence of the conditions under which such actions would be acceptable, and a fifth part considered such actions fully acceptable or even correct.

ATTITUDE TOWARDS THE ASSAULT ON THE ROMA COMMUNITY IN RESPONSE TO THE CRIME COMMITTED BY ITS REPRESENTATIVE (%)

- Absolutely unacceptable. A person, guilty of committing a crime, should be held responsible, and not the whole community
- In general, this is unacceptable, but in this particular case it may be justified
- Residents did everything right, and should always act in such way
- Hard to say

The results of the regional breakdown actually proved to be identical with the assessments of acceptability of restricting certain social groups, namely: a higher level of rejection of collective responsibility was demonstrated by residents of Donbas (here, about 41% indicated the inadmissibility of such actions) and Western region (about 39% do not consider such actions justified). Instead, in the Southern region the relatively high percentage of respondents fully justifies such justice (about 27%), and also this region has one of the highest levels of partial justification.

Another situation that may be perceived differently is the rights of convicts. A certain part of the population can perceive poor detention conditions not as a violation of human rights, but just as a fair punishment for the crimes committed. While in general, the population of Ukraine already considers the detention as punishment where convicts should be kept in decent conditions. About 67% of respondents were against detention in poor conditions, and only 17% believed that detention in such conditions was quite acceptable and even reasonable.

“This assessment of the evolution of attitude to violence and severity of punishment, in particular, can remind of the abolition of the death penalty when the majority of Ukrainians in 1996-1997 (to be reminded that the serial killer Onoprienko was caught and indicted at that time) were against a death penalty. The result of the penalty cancellation did not impact the crime rate. Accordingly, the desire to make the detention conditions tougher has the same nature.”

Nonetheless, the perception of this issue has certain regional differences, such as the proportion of those who hold a stricter stance is relatively higher among Southern and Western regions. At the same time, the largest share of denial of this approach, due to significantly lower level of uncertainty is seen among the residents of the Western region.
Convicts do not deserve decent detention conditions

Conditions of detention should be decent

Hard to say

ATTITUDE TO POOR CONDITIONS OF DETENTION (%)
Interestingly, the overall trends among the expert groups polls on severity of the discrimination problem, ideas about the possibility of discrimination against certain social groups, as well as the most common grounds of discrimination are quite similar. Thus, virtually all groups in their vast majority recognize discrimination as a very serious or serious issue in general. Most groups also demonstrate a certain willingness to restrict the rights of drug addicts, ex-convicts and Roma; disability, sex and sexual orientation were named among the main grounds of discrimination.

However, these general trends have their own characteristics worthy of attention. Thus, responses of judges in this matter appeared to be the closest to the overall assessment by the population at large. A quarter of the judges did not consider the discrimination to be a problem at all, and 18% remained undecided. Instead, journalists and human rights defenders appeared the main proponents for equality (86% of journalists and 98% of human rights defenders stood for this).

When analysing the readiness to restrict certain social groups the most opposed to such restrictions and in certain conditions were, as expected, human rights defenders and journalists. The level of disagreement in these groups did not fall below 54.4% and 36% in relation to drug addicts respectively. Instead, the need to apply restrictions was supported by a very small percentage of human rights defenders (less than 3.9%) and journalists: between 1% for «standard» social groups, and unexpectedly higher for people with certain political views (18%) and oligarchs (14%). This position is quite unexpected for an expert group, which by virtue of the profession stands against the restriction of the freedom of speech.

ASSESSMENT OF THE SERIOUSNESS OF THE PROBLEM OF DISCRIMINATION (nation-wide and expert survey, %)

<table>
<thead>
<tr>
<th></th>
<th>Yes, it is very serious</th>
<th>Generally, it is serious, but there are some more important issues</th>
<th>No, it is not a problem at all</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Civil Servants</strong></td>
<td>25,0</td>
<td>46,2</td>
<td>15,4</td>
</tr>
<tr>
<td><strong>Judges</strong></td>
<td>14,4</td>
<td>42,2</td>
<td>25,0</td>
</tr>
<tr>
<td><strong>The Police</strong></td>
<td>25,3</td>
<td>50,5</td>
<td>16,5</td>
</tr>
<tr>
<td><strong>Teachers</strong></td>
<td>17,9</td>
<td>51,8</td>
<td>20,5</td>
</tr>
<tr>
<td><strong>Journalists</strong></td>
<td>38,0</td>
<td>48,0</td>
<td>10,0</td>
</tr>
<tr>
<td><strong>Human Rights Defenders</strong></td>
<td>45,6</td>
<td>52,4</td>
<td>1,9</td>
</tr>
</tbody>
</table>
The Police turned out to be the biggest proponents of application of restrictions. They are in a leading position for the absolute need to restrict the rights of almost all social groups. Moreover, the trio of candidates for the restrictions is quite unexpected, as it consists of drug addicts (27.7%), people with certain political views (26.7%) and oligarchs (23.3%). With the exception of the two social groups – IDPs (64.1%) and homeless people (51.0%) – the majority of the police officers disagreed with the necessity to use any restrictions. However, these indicators are still the lowest among all the expert groups and the position of the general population.

The position of the police on the possibility of holding prisoners in poor conditions appeared to be quite indicative too, since only 2/3 were against such conditions, 15% thought it was a fair treatment, while 15% could not answer this professionally-relevant question.
In the past years Ukraine has held KyivPride and the police guarded its participants while ensuring security. However, as seen from the survey, half of the polled police were ready to restrict certain rights of the LGBT community. What does this mean?

First of all, I should say that the police have successfully coped with the task. Necessary security measures have been successfully implemented. I believe that this is very good. As for personal assessments, everyone has the right to express one’s own personal position. Not that I share a lot of opinions, but at the same time, everyone has the right to express them.

At the regulatory level, a series of changes in the regulations have been carried out, which provided for an unconditional response to all facts of discriminatory acts. I think the awareness of police officers of the whole spectrum of discrimination will encourage them to understand that they must respond to its manifestations to protect individuals. The higher rate of filing and registering of such complaints is, the stronger public and legal response will be, the higher chances are that sooner or later law enforcement officers will grow a subconscious institutional attitude treating all people are equal, regardless of what they are – representatives of LGBT or religious communities.

Kostyantyn Bushuev
Deputy Chief, National Police of Ukraine

If we analysed the overall willingness to restrict the rights of certain social groups, the polling of experts (except for journalists and human rights defenders) resulted in readiness to restrict the rights of drug addicts and ex-convicts, while unemployed persons, homeless and IDPs enjoyed a high level of support against any restrictions.

When determining the grounds which people in Ukraine are often discriminated against, no unanimity among polled groups recorded. However, all expert groups acknowledged sexual orientation, disability, age, and sex as grounds on which discrimination occurred most often. Interestingly, the experts rated the risk of discrimination of IDPs higher than the general population, since this feature was included in the top five «leaders» among the majority of groups.

Speaking of discrimination, those who suffered the most from this problem, according to the polled human rights defenders, were IDPs, people with disabilities and members of the LGBT community. Also widespread in their opinion, was discrimination based on age and gender. Would this pattern coincide with the statistics on discrimination complaints received by your office?

In the field of combating discrimination we are more actively carrying out the proactive monitoring, since the amount of received complaints remains low. Discrimination means establishment of unequal conditions, but this is often neglected. However, when it comes to complaints directed to us, indeed, most of them are from internally displaced persons, sexual minorities, as well as those who suffer from age discrimination. Nonetheless, our monitoring shows that there are problems with discrimination against persons with disabilities, members of certain minorities (especially Roma). In addition, there are problems of gender-based discrimination. Nevertheless, this monitoring is not based on complaints, but on the analysis of media reports, information on the national and regional governments activities.

Valeriya Lutkovska
the Ukrainian Parliament Commissioner for Human Rights
Since prevention of discriminatory manifestations largely relies on executive authority, the study attempted to get answers on more professional issues, including evaluating the effectiveness and appropriateness of certain preventive measures. Thus, more than half of the civil servants, when assessing the problems of discrimination in a labour relations (hiring people over 40 years of age) declared the use of incentive measures effective, including benefits to those employers who create employment programs and opportunities for elderly people. Other measures, trainings, awareness activities, penalties/fines for discrimination are also quite effective, enjoying almost 40% support, according to state officials.

To solve the problem of employing persons with disabilities, 53% of civil servants maintained that in addition to the quota, more jobs should be created as well as enabling conditions for such positions. At the same time 18% of civil servants noted that targeted training system was needed to provide people with disabilities with a necessary level of education and profession. Only less than a quarter of respondents believed the existing quota system was effective.

Speaking in general about the incentives system existing in Ukraine, only 11% of civil servants find it effective. The main share of respondents (55%) believes that benefits should be cancelled and be replaced by the targeted support programs.

This data is interesting. It goes in contrast with the fact that public officials, especially those at the local level, when discussing the issue during training events, admit that the problem of discrimination is usually just denied. The arguments in favour of employment programs promotion are as interesting. I had the impression that such comments are contrary to the fact that it is public officials’ duty to be engaged in these programs, initiate and lead promotional and other positive activities.

The same applies to the issue of benefits. Comparing this with the answers by public officials during ministerial meetings and communication with state officials during field visits, the question arises: “So who should change this?” After all, the efforts of community activists and negotiations on changes run into a brick wall, while the survey data says about the willingness to change.”

Speaking in general about the incentives system existing in Ukraine, only 11% of civil servants find it effective. The main share of respondents (55%) believes that benefits should be cancelled and be replaced by the targeted support programs.
In the frame of the survey in question a special attention was paid to teacher’s stance on discrimination in school. The survey has shown that 27.7% have confirmed the presence of discrimination in schools. Moreover, according to the survey results, teachers have reported on cases of discrimination, when students with particular behaviour, such as nervous or antisocial, had falling victims of discrimination most often. Besides, socio-economic (children from poor families), physiological (physically weak children unable to protect themselves), and children in conflict with so-called “leaders of the class” have been mentioned thereof.

About one third of the teachers in the survey indicated that cases of discrimination had occurrence in their schools. Are there any standards or protocols at the Ministry of Education and Science level regarding how teachers should react to bullying?

We do not have anti-bullying programs like those implemented in Europe. But there is documentation requiring teachers to make records. However, no paperwork will ever solve this problem because it is a question of values.

For example, now we are expanding inclusive education, so that children with disabilities can go to ordinary schools, their health condition permitting. This year for the first time we introduced the state budgetary subsidies for inclusive education. We have earmarked funds for the regions to encourage this process.

Unfortunately, there is no culture of communication with people with disabilities in our society. This vulnerable group have stayed nonvisible and home-bound unable to access social infrastructure facilities or educational institutions. Now, we started facing resistance to introduce inclusive education on behalf of parents of children studying in ordinary schools. This means that we have to shape and teach societal culture of communication. After all, after some convincing of parents, children with disabilities start attending regular school, eventually the parents thank us realizing it proved to be beneficial for their children.

TOP DISCRIMINATION GROUNDS AT SCHOOL**

<table>
<thead>
<tr>
<th>Ground</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children of special behaviour (anti-social, nervous, hyperactive, etc.)</td>
<td>38.9</td>
</tr>
<tr>
<td>Children from poor families</td>
<td>20.4</td>
</tr>
<tr>
<td>Physically weak children unable to protect themselves</td>
<td>20.4</td>
</tr>
<tr>
<td>Children in conflict with &quot;leaders of the class&quot;</td>
<td>20.4</td>
</tr>
<tr>
<td>Children with intellectual and developmental disabilities</td>
<td>18.5</td>
</tr>
<tr>
<td>Children of certain nationalities</td>
<td>14.8</td>
</tr>
<tr>
<td>Children with disabilities</td>
<td>0.0</td>
</tr>
</tbody>
</table>

**Several answers were allowed
“According to the survey, teachers believe that children with disabilities are not subjected to discrimination. Perhaps, the problem is rooted in the issue of accessibility of education for children with disabilities in the first place, let alone the problem of discrimination which may emerge only eventually. This assumption finds confirmation in the teachers’ survey results within the framework of monitoring of education in human rights area. The majority of teachers 84.1% of teachers reported that children with disabilities usually studied individually without coming to school. Only 12% said that such category of children studied in their school in regular classrooms, and 4% – in specialized. According to the State Statistics Service, only 69 out of 16395 schools could provide ready access to all school facilities for children with disabilities.”

Serhii Burov
Coordinator, All-Ukrainian Education Program “Understanding Human Rights”, Chairman of the Board, Educational Human Rights House, Chernihiv

The prevailing majority of respondents concur that the duty of a teacher is to ensure that children do not discriminate one another, while act timely to counter such instances when they occur. At the same time, close to one fifth (17%) of respondents would rather shift the responsibility over addressing this issue onto parents of school management. It’s worthwhile mentioning, that some respondents acknowledged that prevention of discrimination should be treated comprehensively by teachers, school management, parent and school psychologist.

Teachers’ responses concerning reaction by teachers and administrators to instances of discrimination in a children’s environment have divided: most (65%) of the teachers who took part in the survey believed that the teachers’ task is to ‘ensure the prevention of children from discriminating each other and provide a timely response to it’. The other 17% of the respondents shifted responsibility completely onto parents, choosing the option ‘call to children’s parents to have them explain why their children behave in such ways’.

It should be noted that 11% of the polled teachers suggested their own responses to this question, including, for example, the following: ‘To work at school, teachers should have knowledge in psychology; ‘Joint work of a psychologist with a child and a class, work with parents, faculty work at large; ‘School mediation and a pupil

“Although the majority of teachers are supportive of inclusive approach, a large number of respondents stressed the need to create special conditions and individual training. These results may be due to the fact that the modern school is not inclusive yet. If some schools already have partially or fully accessible facilities and territory, still there is currently no inclusive approach at the level of existing curricula and subject materials. There is a lack of trained teachers, who are able to work as assistants to children with various disabilities. At the state level there is insufficient public awareness campaign regarding the perception of the principles of an inclusive approach to the educational process in practice.”

Serhii Burov
Coordinator, All-Ukrainian Education Program “Understanding Human Rights”, Chairman of the Board, Educational Human Rights House, Chernihiv
Interestingly, 35% of teachers include the prohibition of discrimination on any grounds to the top ten rights deemed most important. Are they aware that by denying inclusive education they discriminate against children? Another point is understanding of inclusive education by our teachers. In their perception it would mean only children with disabilities and with obvious nosology, but not about the children of ethnic minorities, migrants, etc.

Iryna Fedorovych
Coordinator,
Coalition for Combating Discrimination in Ukraine

Our survey showed that 65% of teachers are in favour of inclusive education. However, a significant part (25%) believe that the best option for children with disabilities will be to study in conditions adapted specially to them. What is your opinion on this?

Of course, there’s a need to assess readiness of a child to be classmates with healthy children. Only because there are children, who really need specific conditions, who cannot maintain the usual pace of learning. When looking at, for example, experience of other countries which have successfully carried out the socialization of people with disabilities, they make separate classes for more severe disorders, but still within the regular school premises. So not only healthy children walk down the hall, but children with special needs do so as well. The latter category of children study in different classes at a different pace, but they have joint cultural events and mutual meals in the canteen. Only then a successful socialization of those children and society at large will be possible.

Liliya Hrynevych
Minister of Education and Science of Ukraine

ombudsman should be made available; ‘Faculty/administration should, together with parents, examine the situation and create conditions to prevent such instances from re-occurring’, etc.

Over 3/5 of respondents stood for inclusive education – teaching children with disabilities together with other children. However, a significant part (about a quarter) believed that the best option for children with disabilities will be to learn in a specifically adapted conditions. Nearly the same number of respondents indicated that children with disabilities were already studying in their schools.
THE IMPACT OF CONFLICT ON PERCEPTIONS, TOLERANCE AND VALUES

ATTITUDE TO JUSTIFYING OF CRIMES COMMITTED DURING MILITARY OPERATIONS BY UKRAINIAN ARMED FORCES AND MEMBERS OF VOLUNTEER BATTALIONS; ATTITUDE TO TORTURE OF ENEMIES DURING MILITARY OPERATIONS.
Human rights are an ideal-based notion, whose perception in a society can vary depending on external factors. In particular, the perception of human rights universality may be affected by certain extreme situations, social tensions or armed conflict. Thus, the situation of armed conflict in the east of the country had an inevitable impact on people’s values.

**Unacceptability of crimes committed by the Ukrainian military in a combat zone**

Throughout the survey, respondents were asked to rate how acceptable a crime would be, and how acceptable or unacceptable the application of torture to captured enemy combatants in the combat zone would have been.

As far as the first situation is concerned, close to 48% of the respondents clearly condemned such actions of military personnel and believed that the latter should be punished, while 23% did not reject the need for punishment but believed that military conditions provided mitigating circumstances. While nearly 21% were willing to justify such situations to some extent. It may be noted that the level of unambiguous condemnation of such situations is slightly higher among women and among the oldest age group, however, these differences are insignificant.

Residents of Donbas appeared to be most resolute about such instances, of which over 80% believed that there could be no excuse for torture. The beliefs of residents of the Central, the Southern and the Eastern regions are a bit different, with a noticeable advantage of the condemnation position, but also and with a considerable (20%) share of those who recognized the existence of some extenuating factors. Instead, the most «liberal» to justifying of crimes committed by the Ukrainian military and members of volunteer battalions during military operations, were residents of the Western region, among which the level of unambiguous condemnation of such practices is the lowest compared to other regions, with the highest level of partial justifying of the latter.

“We should consider that it is not about the right not to be subjected to torture, which is of an absolute character, where the state should ensure it under any conditions while avoiding derogation thereof. A war factor or Ani-Terrorist Operation does not affect the scope of adherence to it let alone narrows it.”

Oleksandr Pavlichenko
Deputy Director,
Kharkiv Human Rights Group;
Head of Board, Ukrainian Helsinki Human Rights Union

“It is important that the attitude toward such crimes are directly affected by the proximity to the territories where such crimes are committed. On the one hand, this is due to the information influence of the “hybrid war”, and on the other hand, it is caused by a better awareness of the local population of the real state of affairs concerning crimes committed by military personnel of the Armed Forces.”

Oleksandr Pavlichenko
Deputy Director,
Kharkiv Human Rights Group;
Head of Board, Ukrainian Helsinki Human Rights Union
ATTITUDE TO JUSTIFYING FOR CRIMES COMMITTED DURING MILITARY OPERATIONS BY THE UKRAINIAN MILITARY AND MEMBERS OF VOLUNTEER BATTALIONS (%)

- No justification whatsoever, a law is a law, and crimes have to be punished with all its severity
- In general, there may be no justification, but the extraordinary circumstances at war should serve as extenuating circumstances in application of the law
- If there were no serious consequences (death or mutilation), the crimes committed during military actions have to be treated with understanding
- A war is a war. Anything can happen under these circumstances
- Hard to say

ATTITUDE TO JUSTIFICATION FOR THE CRIMES COMMITTED DURING MILITARY ENGAGEMENT BY UKRAINIAN MILITARY AND MEMBERS OF VOLUNTEER BATTALIONS (regional breakdown, %)

Acceptability / unacceptability of torturing enemy combatants

Some 3/4 of respondents condemned the application of torture to enemies during the military actions, while 14% admitted the possibility of such actions. In the latter group, nearly half of respondents justified it as “instrumental” (when deemed necessary to obtain needed information) and the other half emanated from the reasons of revenge, retaliation.
Again, it should be noted that the share of those who justify torture was formed more by the respondents from the Western and the Central regions, rural residents and male population, while the level of denial of such practices is higher in the Donbas, the East and the South, among women and urban population respectively.

“Overall, this is a very positive statistics. Given that at the time of abolition of the death penalty (1996-1997) the majority of Ukraine’s population was against it, the percentage of the population, which admitted the possibility of rights violation, which may not be violated under any circumstances, remained rather low, while the vast majority of the population spoke within the framework of European human rights paradigm.”

Oleksandr Pavlichenko
Deputy Director,
Kharkiv Human Rights Group;
Head of Board, Ukrainian Helsinki Human Rights Union

ATTITUDE TO TORTURE OF ENEMIES DURING MILITARY OPERATIONS (%)\(^{15}\)

- Tortures may not be justified even under war conditions (as it is illegal or against the principles of humanism)
- Torture under war conditions may be justified (if deemed needed to obtain the necessary information or in response to a similar enemy action)

ATTITUDE TO TORTURE OF ENEMIES DURING MILITARY OPERATIONS (regional breakdown, %)

ATTITUDE TO TORTURE OF ENEMIES DURING MILITARY OPERATIONS (gender breakdown, %)
As for the assessment of the impact of military operations as an excuse for committed crimes and the application of torture, the vast majority of judges, police and journalists are convinced that one may not justify crimes committed by the Ukrainian military and members of volunteer battalions during the military actions, while a large percentage also believed that the war circumstances should be considered as extenuating factors in the case (1/3 of surveyed judges, 1/5 of policemen and 1/3 of journalists).

Moreover, there was a small percentage of judges and police who justified the application of torture against enemies regardless of purpose (6% of judges, 8% of journalists and 9% of police).

Survey of human rights defenders yielded expected results. Among them, only 1.9% justified torturing of enemies, and 15% said that the war circumstances should be an extenuating factor in the matter.

The above facts raise concern, because almost every tenth police officer still justified the use of torture, and almost half of the judges were prepared to mitigate the liability of human rights violators with regard to military circumstances.

The application of torture against enemy is justified by every tenth policeman respondent. How would you comment on that figure?

This is a problem! However, if the same question was asked five years ago, the results would have been much worse. Because it is a relic of the past and the Soviet stereotype of a policeman who used the simple motto “the means is justified by the goal.” I fully disagree with this formula, and believe that all the procedures must take place in strict compliance with the law. There is no law stating that measures of physical or moral influence may be applied to a person to achieve a particular result.

The number in the poll indicates that we are moving in the right direction. The philosophy of the new Police is no place for such beliefs. I can say for sure that this indicator will be taken into account and we will continue to work so that Article 3 of the Constitution of Ukraine becomes dogmatic for every policeman.

Kostyantyn Bushuev
Deputy Chief, National Police of Ukraine
харальціст
не

Журналіст
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PERCEPTIONS AND ACTIONS TO PROTECT ONE’S RIGHTS

ASSESSMENT OF HUMAN RIGHTS AND WILLINGNESS TO ACT: DO UKRAINIANS PROTECT THEIR RIGHTS AND DO THEY BELIEVE IN POSSIBILITY TO RESTORE FAITH IN JUSTICE?; AWARENESS OF THE EFFECTIVE MEANS TO PROTECT HUMAN RIGHTS; ATTEMPTS TO PROTECT ONE’S RIGHTS IN CASES OF VIOLATION; SUCCESS FACTORS IN PROTECTION OF ONE’S RIGHTS; REASONS FOR DENIAL OF ONE’S RIGHTS; AWARENESS OF THE RIGHT TO POLITICAL PROTEST AS A DISAGREEMENT WITH THE STATE POLICY; ATTITUDE TO THE MOB; PUBLIC ACTIVITY AS RIGHTS PROTECTION FACTOR (MEMBERSHIP IN ORGANIZATIONS AND ASSOCIATIONS INVOLVED IN PROTESTS, ETC.).
The level of citizen activity in rights protection is medium. In particular, about 58% of respondents who had faced situations of violation of their rights (or could not decide), said they had never tried to protect their rights. When considering only those whose rights were violated, the corresponding proportion is about 54%.

Moreover, the level of such activity is at the same level among residents of all regions except the West, where about 51% of the inhabitants victims rights violation, made and attempt to protect them.

Instead, it appeared that the level of activity to protect one’s rights depended on:

- **age**: those who protected their rights appeared to be less common among the oldest age group (62% of people 55 years and older, who stated that their rights were violated, but they never tried to protect them);
- **education level of respondents**: the proportion of those who defended their rights, made some 54% among those with higher education, while a share of respondents with secondary education constituted about 39%.
- **affluence of respondents**: a significantly lower activity level to protect the rights was demonstrated by the poorest group of respondents (66%), while the activity in the middle class group – reached 53%.

Despite the fact that younger, wealthier and better educated people are more likely to protect their rights actively, the willingness to such actions is rather mediocre even among this group.

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16 Percents of those persons whose rights were violated.
When discussing key motivational factors in protecting their rights, most respondents (about 62%) mentioned the feeling of injustice; the second position (by a significant margin) is occupied by the aspiration for damage reimbursement (this motive was mentioned by almost 17% of respondents). Other motives (desire of helping other people, aspiration for establishing lawfulness in society) have guided only about every tenth of those affected.

The survey results clearly showed that a major cause of failure to protect their rights is a lack of confidence in the success of such protection. Thus, when considering only those persons who indicated that they faced a situation of violations of their rights, nearly 44% of them indicated that they considered it useless, while other reasons were noted by relatively limited share of respondents (where 20% of victims refused to answer this question).

Juxtaposing these results and the success ration in rights protection prompts a conclusion that the above noted disbelief has a very real ground, as the estimated majority of respondent, who attempted to protect their rights, resulted in failures.

However, it is worth noting that every tenth respondent did not resort to protection, because it was considered a matter that required significant investment.

17 Percents of those persons whose rights were violated.
WAYS TO PROTECT OWN RIGHTS

Speaking about the effective ways of protecting human rights, the most frequently mentioned were social media (this thought is shared by almost 28% of all respondents). Besides, the European court of Human Rights (19%), help of relatives and friends (about 16%), court appeals (about 16%), and appeals to the police (nearly 14%) were named among the most commonly mentioned form of appeals. At the same time, almost 19% of respondents believed that there weren’t any effective means of protecting human rights, and almost 15% were not able to answer this question.

Such vote distribution will remain the same regardless of the following opinions were accounted for: 1) only the opinion of those people whose rights were violated; 2) only the opinion of those people whose rights were violated and who attempted to protect them; 3) only the opinion of those people who managed to uphold their violated rights. In all cases, the first place is given to mass media; the second position is taken by the European Court of Human Rights; while assistance from parents and acquaintances is ranked third.

Respondents’ estimates in this question show certain regional differences, particularly:

• appeal to media was most often referenced to in all regions but Donbas where this option is the last one among five most frequently mentioned options; instead, the first position in terms of frequency of reference is occupied by the appeal to the European Court of Human Rights, which ranks second in the Central, the Southern and the Eastern regions but is only the fifth in the Western region;

• using parents and acquaintances is among five of the most mentioned options in the West, the Centre and the South but is outside the top five in the East and in Donbas;

• the option of recourse to a court has higher rankings in the Western region (2nd) and the Eastern region (3rd) but lower rankings in the Central region (4th) and the Southern region (5th), and fails to even get into the eight most quoted options in Donbas;

• in all regions but the West, the top five efficient options include the appeal to international organizations whereas the appeal to police is among that five only in the West.

THE MOST EFFECTIVE METHODS TO PROTECT HUMAN RIGHTS IN UKRAINE (%)\(^{18}\)

- **Appealing to mass media**: 29.9
- **Complaining to the European Court of Human Rights**: 25.5
- **Asking family for help, looking for useful contacts**: 19.1
- **Appealing to court**: 19.1
- **Contacting the police**: 16.6
- **In fact, there are no ways to protect one’s rights**: 7.0
- **Hard to say**: 10.8

\(^{18}\)The answers are ranked in accordance with a frequency of votes from the highest to the lowest.
THE MOST EFFECTIVE METHODS TO PROTECT HUMAN RIGHTS IN UKRAINE
(regional breakdown, %)\(^9\)

- Appealing to mass media
- Appealing to court
- Asking family for help, looking for useful contacts
- Contacting the police
- Complaining to the European Court of Human Rights

Appealing to international organizations
Appealing to the Ukrainian Parliament Commissioner for Human Rights
Contacting non-governmental human rights defence organizations
Paying a bribe, or using a similar method to resolve the matter

"The media’s leading position in the list of effective options of human rights protection in Ukraine is a brilliant illustration of that our under-reformed state machinery only uses a kick to start the engine."

Oleksandra Matviychuk
Chairwoman of the Board, Centre for Civil Liberties

"This revealing statistics correlates with the main problem, which is reflected in the National Human Rights Strategy – improper functioning of the judicial system, through which a number of rights are unsecured. In fact, the lack of effective means to protect violated rights, especially in a court of justice, pushes to explore other ways to protect (the appeal to mass media, attempts to solve the issue indirectly through relatives, friends, bribes, etc.)."

Oleksandr Pavlichenko
Deputy Director, Kharkiv Human Rights Group; Head of Board, Ukrainian Helsinki Human Rights Union

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\(^9\)Presented are data for top five most mentioned means.
If analysing the beliefs of the Ukrainians about efficient human rights protection and methods resorted to in practice, the emerging picture is somewhat different. In particular, using social networks, i.e. relatives and acquaintances (by 29%) and court appeals (about 26%) have been most frequently referenced rights protection methods mentioned by respondents. Besides, the top six options of rights protection included appeal to the police (about 20%), appeal to local authorities (about 17%), appeal to the media (about 11%), and appeal to prosecutor’s office (about 11%).

However, in this respect, there are considerable regional differences, including:

- social networking prevails in the Western, the Central regions (in the Western region this way to protect their rights was used by more than half of the respondents);
- in the Southern and Eastern regions the most common way is appealing to the court, while the use of social ties is at the bottom of the top five instruments;
- appealing to the police is a more commonly used method in the Central, the Southern and the Eastern regions (holding the second rank position);
- appeals to the media is among the top five instruments used only in the Western region, and appeals to the prosecutor’s office – only in the Central and the Southern regions;
- in the Southern region, appealing to Members of Parliament or local council members is placed in the top five, while– the implementation of specific actions falling outside the legal field is common in the East.

“Corruption and extra-legal methods are still used as an instrument of rights protection, which is very disappointing, especially when people expect the government to combat corruption, but want to be able to “give something” to the police, doctors, teachers and solve their problems that way.”

Iryna Fedorovych
Coordinator, Coalition for Combating Discrimination in Ukraine

“The ideas about efficient means of rights protection shared by Ukrainian citizens is rather contradictory to the traditions in a state with rule-of-law. The appeal to court (16%) and the police (14%) rank fourth and fifth, following the appeal to media, to the European Court of Human Rights, and search for ways to address the issue with assistance relatives and friends. Giving a bribe (9%), doubts about availability of efficient rights protection means (19%), and no response (15%) are important indicators of legal nihilism prevalence. Even when Ukraine has got quite different judicial system and law enforcement bodies, this part of the public will yet have to realize in a certain way that changes have occured. The question about who and how can change a legal conscience of these people remains open…”

Victor Pushkar
Social psychologist, PhD in psychology
TOP 8 OPTIONS USED BY UKRAINIANS TO UPHOLD THEIR RIGHTS (%)\textsuperscript{20}

- Asking family for help, looking for useful contacts: 29.0%
- Appealing to the court: 26.4%
- Contacting the police: 19.7%
- Contacting local authorities: 17.3%
- Appealing to mass media: 11.3%
- Appeal to Prosecutor’s Office: 11.3%
- Own efforts including the use of arms, if needed: 8.2%
- Approaching the issue with a bribe and other similar means: 7.9%

USE OF DIFFERENT MEANS TO PROTECT HUMAN RIGHTS (regional breakdown, %)\textsuperscript{21}

- **WEST**
  - Asking family for help, looking for useful contacts: 55.1%
  - Appealing to the court: 25.9%
  - Contacting the police: 24.1%
  - Contacting local authorities: 23.5%
  - Appealing to mass media: 19.3%
  - Appeal to Prosecutor’s Office: 18.7%
  - Own efforts including the use of arms, if needed: 15.1%
  - Approaching the issue with a bribe and other similar means: 9.6%

- **CENTRE**
  - Asking family for help, looking for useful contacts: 37.5%
  - Appealing to the court: 27.1%
  - Contacting the police: 27.1%
  - Contacting local authorities: 16.7%
  - Approaching the issue with a bribe and other similar means: 12.5%

- **EAST**
  - Asking family for help, looking for useful contacts: 28.8%
  - Appealing to the court: 23.3%
  - Contacting local authorities: 15.1%
  - Contacting the police: 12.3%
  - Approaching the issue with a bribe and other similar means: 9.6%

\textsuperscript{20} Answers are ranked by decreasing frequency of mentions.
\textsuperscript{21} Data from Donbas is not provided due to the small number of respondents who answered this question.
One of the tasks of this particular study was to evaluate which boundaries are people ready to cross in an effort to protect their rights, and how appropriate extraordinary ways would be for this purpose (for example, burning of the national flag in protestor mob justice, etc.).

In general, extraordinary ways of protecting one’s rights don’t find support among the population. For example, the absolute majority of respondents (79%) believed that burning a national flag is an inadmissible form of protest against state policy whereas only 10% of respondents admitted lawfulness of such actions. It should be noted that residents of Donbas, the Center and the South of Ukraine are more definitely against such an approach whereas a relatively greater support for lawfulness of such actions is seen among residents of the Eastern and the Western regions.

DOES AN INDIVIDUAL HAVE THE RIGHT TO BURN THE NATIONAL FLAG OF UKRAINE IN PROTEST AGAINST THE STATE’S POLICIES?
“Additional reference: The question about possible burning of a national flag in manifesting protest against state policy reveals many dimensions. It has been discussed in the US for over three decades already, and has become a certain dimension in a broader understanding of the freedom of speech or proponents of conservative approach, striving to restrict or prohibit forms of expression.

In 1984, during the Republican Party National Congress in Dallas, Gregory Lee Johnson (the then member of the Revolutionary Communist Youth Brigade) was taking part in a political demonstration to protest against President Ronald Reagan Administration’s policy. During the demonstration, Johnson unfolded the US flag, poured oil over it and set it on fire. He was indicted to one-year imprisonment and a USD 2,000 fine by the Texas State Court. However, the US Supreme Court reversed the verdict and acquitted Johnson stating that it was a form of expression protected by the US Constitution. Later, the US Congress passed a law establishing liability for burning a national flag. In 1990, the US Supreme Court declared the law unconstitutional. The court reaffirmed its stance about admissibility of such a form of protest on several more occasions in other cases. Still, an amendment to the US Constitution prohibiting burning of the US national flag is currently under discussion. Sociological surveys held in 1999-2006 showed that supporters of such liability make up between 40% and 63% of the respondents while 40%-50% are made of opponents. Public opinion varies all the time but the court stands to protect the freedom of expression. While this is not an offence in the overwhelming majority of European countries, although some countries prohibit such acts and impose fines for them.

In the same vein, negative estimates of such an extraordinary form of rights protection as committing acts of people’s own administration of justice (mob justice) prevail among the population, however, opinions concerning this form are not so unambiguous. Although, nearly a half of the respondents underlined inadmissibility of such acts, about 38% believed that mob justice is acceptable under certain circumstances, and 12% thought that mob law is quite justified and acceptable under relevant circumstances. Thus, almost half of Ukrainian people do not rule out a possibility of taking such acts.

“This question was offered not to campaign for burning of a national flag or for similar forms of protest. We realize that such a form of protest amid the war and threat to the country’s existence can be very sensitive aiming against the very fact of the country’s existence. However, this is a ‘litmus test’ of one’s ability of being tolerant to different opinions and freedom of spreading unpopular views since the fact of burning the flag in itself doesn’t cause any direct harm. Findings of this survey are rather eloquent showing that Ukrainians, especially amid the war, can hardly perceive different viewpoints and that they are inclined to prohibition of such forms of protest though the question was about a form of protest against state policy rather than about calls to destroy the state, which are clearly not acceptable”.

Volodymyr Yavorsky
Expert, Human Rights Information Centre CSO

“These results are a kind of diagnosis of the judiciary, whose credibility remains critically low. This is especially dangerous in a war state when the level of tolerance towards violence has naturally already increased. The authorities must demonstrate progress in reforming the court and real improvements in protecting everyone’s right to a fair trial.”

Oleksandra Matviychuk
Chairwoman of the Board, Centre for Civil Liberties
The highest level of opposition to the idea of mob justice is among residents of Donbas (71% of the latter fully denied such actions), while in other regions corresponding proportion varied, accounting for about half of the respondents. Instead, the percentage of those who admit the existence of circumstances in which such actions are justified, is slightly higher among the residents of the Western, the Eastern and the Central regions than in other regions. As to the level of full acceptance of the admissibility of mob justice, it remained low across all regions, although appeared somewhat higher in the Central region.

Sex, age, education, or property status did not influence the opinions.

ATTITUDE TO CALLS TO EXERCISE MOB JUSTICE BY ORDINARY PEOPLE
(to encourage to administer justice themselves, %)

- Find mob justice unacceptable under no circumstances
- Think that generally, mob justice is unacceptable, but in some cases it may be justified
- Believe that in our situation mob justice is the only way to punish offenders

ATTITUDE TO CALLS TO EXERCISE MOB JUSTICE BY ORDINARY PEOPLE
(regional breakdown, %)
In this context, it is necessary to refer to the survey results about the rights protection methods, used by respondents, since 8.2% admitted that they had used such a means as «own actions, including the use of arms if necessary», which may also include mob justice. Even more alarming appear are results of matching of effectiveness assessments of applied method. The level of support for the latter constituted 7.4% of all respondents, while those who have resorted to protecting their rights and was successful has doubled in number totalling 15.3%.

**USE OF DIFFERENT MEANS TO PROTECT ONE’S RIGHTS (%)**

<table>
<thead>
<tr>
<th>Method</th>
<th>% of all respondents</th>
<th>% of those respondents who experienced violation of their rights</th>
<th>% of those respondents who tried to protect their rights</th>
<th>% of those respondents who successfully protected their rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through one’s own actions, using a arms if necessary</td>
<td>7.4</td>
<td>8.8</td>
<td>10.7</td>
<td>15.3</td>
</tr>
</tbody>
</table>

The vast majority of respondents (76%) believed that political strike is a perfectly acceptable form of struggle for their rights. And the focus on such actions is more prevalent among the citizens of the Western and the Central regions, while it is relatively lesser among residents of Donbas.

According to Article 44 of the Constitution of Ukraine, strikes are allowed only to protect one’s economic and social interests. In other words, it is forbidden for political purposes. This limitation is a clear violation of international human rights standards at the level of the Constitution. Even when preparing amendments to the Constitution, there were many supporters to leave this norm unchanged. The survey showed that citizens are unaware of this constitutional ban and unequivocally advocate the elimination of such rules, and this, we hope, will be heard by the authors of amendments to the Constitution of Ukraine.
One of the means of rights protection is a uniting of citizens under different organizations, whose activities focus on mutual support and protection of its members. However, in Ukraine such a source of rights protection does not find understanding and support. The vast majority of the population does not engage in the activities of non-governmental organizations. The non-affiliation with any organization or association was declared by 80% of respondents, while only 6% of respondents belonged to some organizations or associations (excluding trade union membership and affiliation with religious organizations).

The level of affiliation with any organization (engagement into its activities) is virtually the same in all regions. One can also note, that level of involvement in community activities, political and volunteer organizations is slightly higher among young people, but still this level is also quite low (about 9%).
Also, small differences between people with higher education and with lower levels of education have been observed. Namely, the level of affiliation with different organizations is higher among persons with higher education, yet the differences are small (about 8% of people with higher education participate in NGOs, while the level of NGO engagement varies between 3%–5% among those with lower levels of education).

Besides, our population uses various protests as a way to fight for their rights rather rarely: about 81% of respondents have not participated in any such activities. Of those who partook in them, the largest proportion joined peaceful demonstrations (about 9% of all respondents) or participated in the signing (or other support) for petitions and appeals (about 8%).

Involvement in protest activities is slightly higher in the Western and the Central regions (but even here fewer than 1/4 of residents took part in these activities), while in other regions this level is about the same.

Quite predictably, participation in protests depended on the age of respondents, namely, the older a person was, the less prone this person was to participate in protests. However, the proportion of those who participated in such actions, is only slightly higher than 1/4 among the most active age group (18–29 years) (while in the middle age group the percentage was about 5/1, and nearing to 1/10 among the oldest respondents).

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22 It was allowed to select several answers.
23 It was allowed to select several answers.
Besides, the education level of respondents has had some significance for the realization of protest activity, or, to be more precise, complete or incomplete higher education. Even though no significant differences in the protest activity were observed among groups with lower levels of education, it is significantly higher among persons with higher education (about 28% of respondents with higher education have participated in protests, while in other education groups corresponding proportion was about 10%-15%).

As to the peculiarities of specific forms of protest, one can observe more intense use of flash mobs by young people (of those young people who took part in certain actions, about 25% participated in flash mobs as opposed to 7%-9% in other age groups), as well as more active use of such form as drafting and signing of various petitions among persons with higher education (almost 50% of those persons from this group who took part in certain actions signed some petitions, whereas the share of such individuals among persons having secondary or secondary special education constituted about 33%).

**EFFECTIVE RIGHTS PROTECTION MEANS**

Experts understanding of effective ways of rights protection differ from the results of the nationwide survey – the top five includes new methods – appealing to the Ombudsperson, international organizations and human rights defenders. Although, the trends of appealing to the mass media to protect the violated rights are remains a priority among the expert groups (not falling below the 3rd place in the group of judges surveyed), all the five polled groups referred to such effective ways as appealing to the judiciary institutions (international and national) – European Court of Human Rights and domestic courts.

It is interesting that an appeal to the Ombudsperson is assessed as a very effective (rating ranges from third to fifth place) way to protect the rights among all expert groups of respondents, while among the citizens the rating is not that high, except for residents of Donbas, who rate appealing to the Ombudsperson as a second priority after ECHR.

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**Konstantin Vashchenko**  
Head, National Agency of Ukraine on Civil Service

Public officials consider appealing both to the mass media (35%) and courts of justice (33%) as most effective way to protect the rights, where media leads by a small margin. Did this fact come as a surprise for you?

I think that the answers do not contradict one each other. But the key problem is that our judicial system remains unreformed. And although some quite progressive ideas and principles are feeding the reform of the judiciary, the courts can hardly be called an efficient and effective tool for protection for the moment. While the media remains the means to draw attention to some problems and affect the activities of those who have to deal with it by urging them to action. However, I believe, that with the implementation of the judicial reform a growing confidence in the court should become a key indicator of success.
It is worthwhile considering that law enforcement officers unexpectedly consider contacting the media the most effective way to protect the rights. Moreover, the effectiveness of appealing to the police was noted only by a third of the police surveyed, which is quite eloquent indicator, as the rest of the expert groups rated themselves high with a wide margin: 86.1% of judges considered appealing to courts effective, 79% of journalists – appealing to mass media, 68.9% of human rights defenders – appealing to non-governmental human rights organizations.

**EXPERT GROUPS’ PERCEPTIONS ON THE MOST EFFECTIVE WAYS TO PROTECT HUMAN RIGHTS (%)**

<table>
<thead>
<tr>
<th>All citizens</th>
<th>Civil servants</th>
<th>Judges</th>
<th>Police officers</th>
<th>Teachers</th>
<th>Journalists</th>
<th>Human rights defenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mass media</td>
<td>Mass media</td>
<td>Court</td>
<td>Mass media</td>
<td>Mass media</td>
<td>Mass media</td>
<td>Human rights defense organizations</td>
</tr>
<tr>
<td>27.8</td>
<td>34.6</td>
<td>86.1</td>
<td>39.8</td>
<td>52.7</td>
<td>79.0</td>
<td>68.9</td>
</tr>
<tr>
<td>ECHR</td>
<td>Court</td>
<td>ECHR</td>
<td>Police</td>
<td>ECHR</td>
<td>ECHR</td>
<td>Human rights defense organizations</td>
</tr>
<tr>
<td>19.3</td>
<td>32.7</td>
<td>57.2</td>
<td>34.5</td>
<td>36.6</td>
<td>59.0</td>
<td>64.1</td>
</tr>
<tr>
<td>Family, friends</td>
<td>Ombudsman</td>
<td>Mass media</td>
<td>ECHR</td>
<td>International organizations</td>
<td>International organizations</td>
<td>ECHR</td>
</tr>
<tr>
<td>16.3</td>
<td>26.0</td>
<td>35.0</td>
<td>34.0</td>
<td>30.4</td>
<td>53.0</td>
<td>62.1</td>
</tr>
<tr>
<td>Court</td>
<td>International organizations</td>
<td>Ombudsman</td>
<td>Ombudsman</td>
<td>Human rights defense organizations</td>
<td>Rallies, strikes</td>
<td>Ombudsman</td>
</tr>
<tr>
<td>16.2</td>
<td>16.4</td>
<td>25.0</td>
<td>28.6</td>
<td>27.7</td>
<td>41.0</td>
<td>47.6</td>
</tr>
<tr>
<td>Police</td>
<td>ECHR, the Prosecutor's Office</td>
<td>International organizations</td>
<td>Court</td>
<td>Ombudsman, court</td>
<td>Ombudsman, family, friends</td>
<td>International organizations, court</td>
</tr>
<tr>
<td>14.0</td>
<td>15.4</td>
<td>17.2</td>
<td>20.4</td>
<td>19.6</td>
<td>27.0</td>
<td>39.8</td>
</tr>
</tbody>
</table>

Among the three groups (civil servants, teachers and journalists), who were interviewed about the frequency of rights violations and their willingness to protect them, one can outline the following:

- a much greater willingness on behalf of respondents to protect the rights (as opposed to the general public), those who did not try to do it did not exceed one third;
- and smaller, compared to the nation-wide survey (38.8%) percentage of respondents confident that no violations of human rights occurred: the share of respondents confident in that ranged from 15.4% among civil servants to 7% among journalists.
Law enforcement officers surveyed consider contacting the media the most effective way to protect their rights. Does it mean that the law enforcement system does not believe in itself?

Perhaps this problem owes to reformatting the principles of the law enforcement system. Because the system of subordination, established at times of militia, made it impossible for officer with vested authority to act independently. Previously, there was a principle of collective responsibility, which gave rise to irresponsibility. Today, we have a somewhat different philosophy and understand that if one has the authority, then in addition to the powers one also has obligations. When the latter is introduced in the work of police departments, we would be able to say that the media is more of a tool to highlight certain situations than means to protect violated rights.

One should not forget about such institutions as the European Court of Human Rights. Ukraine is one of the leaders in public appeals to the ECHR, because this is where many of our citizens are turning to defend their rights. All other bodies (including the media, prosecutor offices and police departments), unfortunately, are seen by the majority incompetent in solving specific problems.

Lack of mechanisms to ensure effective protection to citizens is the area requiring additional improvement work. It should be done not only to reduce the number of appeals by Ukrainian citizens to the European Court of Human Rights, but first and foremost, to ensure the work of effective human rights protection mechanisms in Ukraine.

Now, taxpayers end up paying twice. Firstly, for ineffective law enforcement. A secondly, for the decisions of the ECHR.
On the issue of the admissibility of extraordinary rights protection ways, the groups’ position appeared somewhat different from the general public. Specifically, regarding the admissibility of mob justice, the position of 2/3 of journalists and almost 90% of human rights defenders is inadmissibility of such actions.

But as far as the question of burning of the national flag is concerned, practically all groups, except for human rights defenders, responded that burning of the national flag could not be an acceptable form of protest against government policies (88.9% of judges, 82.5% of police and 72% of journalists). The only group, whose responses differed significantly, were human rights defenders. Some 35% of respondent in this group believed that such action was appropriate, 40.8% percent objected to this and almost a quarter could not answer this question. This result may be explained just by the fact that human rights defenders saw such manifestation not so much as a fact of desecration of state symbols, as the majority of respondents did, but as a manifestation of freedom of opinion.

As for the right to go on strike, almost all expert groups by absolute majority acknowledged it to be a legitimate and acceptable form of protest against the policy. The only group that «underestimated» the legitimacy of such a method were government employees, among which over a half (57%) of respondents were still convinced of the acceptability of strikes, with one fifth (20.%) denying this, but nearly a quarter (23 %) not being able to answer the question. It is quite likely that these results are explained by the fact that this group of respondents, when answering that question, “put themselves in the shoes of strikers». However, according to Ukrainian law public officials may not go on strike.
FUNCTIONING OF CERTAIN HUMAN RIGHTS PROTECTION MECHANISMS

AWARENESS OF THE EXISTENCE AND ACTIVITIES OF THE NATIONAL HUMAN RIGHTS INSTITUTION, FREE LEGAL AID SYSTEM; ATTITUDE TO THEIR WORK AMONG THE POPULATION IN GENERAL AND EXPERT ASSESSMENTS
The study attempted to evaluate the readiness of individuals to protect their rights, learn about ways that are used and are effective from the point of view of respondents. In addition, the research tried to understand the level of awareness of the existence and activity of rather new mechanisms such as free legal aid, and of specific mechanisms, such as the Ombudsperson’s Office, which is a mechanism for parliamentary control of human rights and non-governmental human rights organizations.

FREE LEGAL AID

Results of the study in general showed mediocre public awareness of this mechanism, since only 11.9% reported they knew about free legal aid and how it could be obtained. Instead, 33.7% of respondents have heard something about it but did not know how and where to get it, hence they would not be able to use this mechanism on own initiative if necessary. And more than half (54.4%) of respondents have not heard anything about it.

It should be noted that while this data has almost no regional differences, it differs significantly when cities and villages are compared among each other. For example, if in Kyiv almost one in five (18.8%) residents is well aware of the free legal aid, and 44.9% heard nothing of it, the level of awareness among the rural population was twice as bad, where less than 9% had relevant knowledge and almost 2/3 heard nothing.

The data is quite logically aligned with answers to questions about using the services of free legal aid. Moreover, the low level (5.4%) of appeal may also indicate a lack of awareness of this mechanism among the population, since, for instance, in Kyiv with the higher level of awareness the percentage of people who applied for help was higher (7.1%) than in rural areas (4.7)

At the same time it should be noted that among the population, which used the services of free legal aid, opinions on the quality of service divided equally: 43.3% of legal aid applicants stayed satisfied, while 44.2% believed that they did not receive the expected results. However, these data have significant regional differences, as 3/4 of respondents from the Donbas were satisfied with the services received and only a quarter appeared not quite satisfied, although no one testified legal aid was not helpful at all. At the same time, half of respondents in the East and Centre expressed their dissatisfaction with the services of free legal aid.

DO YOU KNOW ABOUT THE AVAILABILITY OF FREE LEGAL AID FROM THE STATE (%)

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Kyiv</th>
<th>Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, I know where and how I can get it</td>
<td>11.9%</td>
<td>18.8%</td>
<td>8.9%</td>
</tr>
<tr>
<td>Yes, I did hear about that, but I do not know where or how to get it</td>
<td>33.7%</td>
<td>36.2%</td>
<td>29.0%</td>
</tr>
<tr>
<td>No, I know nothing about it</td>
<td>54.4%</td>
<td>44.9%</td>
<td>62.1%</td>
</tr>
</tbody>
</table>

IF YOU HAVE EVER RECEIVED FREE LEGAL AID – WERE YOU SATISFIED WITH IT OR NOT? (%)

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Kyiv</th>
<th>Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completely satisfied</td>
<td>25.0%</td>
<td>42.9%</td>
<td>21.2%</td>
</tr>
<tr>
<td>Rather dissatisfied than satisfied</td>
<td>18.3%</td>
<td>14.3%</td>
<td>21.2%</td>
</tr>
<tr>
<td>More satisfied than not</td>
<td>26.9%</td>
<td>14.3%</td>
<td>27.3%</td>
</tr>
<tr>
<td>Dissatisfied</td>
<td>17.3%</td>
<td>14.3%</td>
<td>21.2%</td>
</tr>
<tr>
<td>Hard to say</td>
<td>12.5%</td>
<td>28.6%</td>
<td>9.1%</td>
</tr>
</tbody>
</table>

*The percentage of those who have received free legal aid*
Similar is the position of the respondents in rural areas (48.2% rated free legal aid services as poor or rather poor), while in Kyiv the situation is similar with the Donbas, since more than half (57.1%) of the population gave a positive assessment to free legal aid services and not a single respondent gave an absolutely negative response, while almost one third could not decide.

**THE NATIONAL HUMAN RIGHTS INSTITUTION**

The level of awareness, when respondents testified for possession of sufficient knowledge about the National Human Rights Institution, was low (6%), and 42% of respondents have only heard something of the institution. These results are comparable with similar data on the activities of free legal aid and human rights organizations.

Specifics of activities and mandate of the Ombudsperson’s Office has the power to impact directly on the public authorities urging them to implement some action and restore justice. In this context, the high estimate of the Ombudsperson by state officials, judges and police is a very important indicator.

**DO YOU KNOW ANYTHING ABOUT THE WORK OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS (Ombudsperson) (nation-wide and expert surveys, %)?**

<table>
<thead>
<tr>
<th>Group</th>
<th>Yes, I know about it</th>
<th>I have heard about it</th>
<th>I know nothing about it</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Servants</td>
<td>48.1</td>
<td>37.5</td>
<td>11.5</td>
</tr>
<tr>
<td>Judges</td>
<td>66.1</td>
<td>31.7</td>
<td>1.7</td>
</tr>
<tr>
<td>The Police</td>
<td>42.2</td>
<td>44.2</td>
<td>13.6</td>
</tr>
<tr>
<td>Teachers</td>
<td>38.9</td>
<td>46.3</td>
<td>10.2</td>
</tr>
<tr>
<td>Journalists</td>
<td>73.0</td>
<td>24.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

GENERAL SCORE

- Yes, I know about it
- I have heard about it
- I know nothing about it
That is why in the study special emphasis and attention was given to the study of expert opinion on the activities of the institution. So, among the expert groups not more than 13.1% (including the police) knew anything about the Ombudsperson, while a high level of awareness varied from 38.9% among teachers to 73% among journalists. Moreover, more than a half (52%) of journalists covered the activities of this institution.

Some 64% of judges and human rights defenders made a positive assessment of the institution. Moreover, the latter became the only institution whose activities received a positive assessment (more than 60%)25.

EVALUATION OF THE ACTIVITIES OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS (Ombudsperson) (expert surveys, %)

When assessing the changes that have occurred in recent years, about 2/3 (60%) of human rights defenders stated that work efficiency had increased and only 3% noted that the situation had somewhat deteriorated. At the same time, police officers (about 46%) and judges (about 62%) believed that no changes had occurred.

DO YOU THINK THE WORK OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS (OMBUDSPERSON) CHANGED AFTER 2013? (expert surveys, %)

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25 Other institutions received mostly neutral assessments, however, the Ministry of Internal Affairs received slightly lower score than the Prosecutor’s Office and the Security Service of Ukraine, and the level of negative assessments of the last one is close to 45%.
Interviewed human rights defenders positively assessed the role of the Ombudsperson’s Office regarding human rights issues. It is the only institution that got more positive assessments than negative...

With the increase of the efficiency of the Ombudsperson’s Office, which we were able to raise almost from zero to a sufficiently high level of trust, we became hostages of the situation that a lot of people started to appeal to us.

As a result, efficiency is, frankly speaking, eventually reduced. Because when we help one person and s/he tells about the positive experience, more citizens are willing to apply. And the Office simply does not have enough capacity to process 67,000 applications that were received during the last year. It also means that we are made to focus more on specific consideration of citizens appeals and solving specific problems, rather than focus on systemic issues.

In other words, the Ombudsperson’s Office has become hostage of its own performance. Therefore, we might face a decline in our activities to address systemic problems.

What could be done in this case? I have no ready-made solutions. Probably, another institution should be created that would deal with citizens’ complaints. And the other would deal with systemic problems on the basis of these complaints. We must implement proactive monitoring, become more active in training officials, judges and prosecutors. If we would deal with citizens’ complaints only, we would simply not have sufficient resources to solve systemic problems and take preventive action. So, there is still work to do in this regard.

Valeriya Lutkovska
the Ukrainian Parliament Commissioner for Human Rights
PERCEPTIONS BY HUMAN RIGHTS ORGANIZATIONS

AWARENESS OF ACTIVITIES OF THE HUMAN RIGHTS INSTITUTIONS; LEVEL OF KNOWLEDGE OF A CERTAIN HUMAN RIGHTS ORGANIZATIONS/ CERTAIN HUMAN RIGHTS DEFENDERS; ATTITUDE TOWARD THE ACTIVITY OF THE HUMAN RIGHTS ORGANIZATIONS; CHARACTERISTICS OF THE DEFENDERS; WILLINGNESS TO SUPPORT THE ACTIVITY OF THE HUMAN RIGHTS ORGANIZATIONS ETC.
AWARENESS OF THE EXISTENCE AND ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS AND NATIONAL HUMAN RIGHTS INSTITUTIONS

The level of awareness of the activities of human rights organizations is low. Only about 9% of the polled Ukrainians indicated that they were quite well-informed about the activities of such organizations, while about 42% had limited information, and about 49% knew nothing about them.

It is worth noting that there are certain differences in the answers among almost all groups of respondents. These differences are not significant and overall do not affect the general tendency of low awareness. In particular:

- men were more knowledgeable compared to women (46.7% of men compared to 52.2% of women did not know anything about the human rights organizations, and 10.2% vs. 7.6% were well acquainted with them);
- elderly people also demonstrated a lower level of awareness (among them 60% knew nothing about such activities), while the awareness of young and middle-aged people was roughly at the same level;
- in this regard, the connection with education can be noted: the share of those familiar with the activities of such organizations was growing exponentially with the degree of education. Moreover, the comparison of data of different age groups and by educational level showed that in each of them greater awareness, noted across all groups, would be maintained among better educated and among younger people. Accordingly, one can assume that the interest in the activities of human rights organizations is higher among young people and among those with higher level of education.

However, answering the question about what organizations were known to them, the real level of awareness of the activities of human rights organizations appeared to be significantly lower. This question was an «open-type question, i.e. respondents did not choose options from the proposed list, but named those organizations they were able to remember.

Here we note that the only 17% of all respondents gave some meaningful response. However, a large part of this 17% of respondents named such organizations as the UN, the law enforcement authorities (Prosecutor’s Office, courts, the police), lawyers and notaries, social services, media, trade unions, animal rights organizations, European Court, hotlines of authorities. And if we ignored these responses and considered only those answers that were directly related to human rights issues, then only about 9% substantive responses would be left.

Among the regions, Donbas led in the knowledge of specific human rights organizations; there 21% of respondents indicated some organization. The lowest level of real knowledge was demonstrated in the Central (5%) and the Eastern (about 7%) regions.
When considering the awareness level (self-assessment) about the activities of human rights organizations, the general positive attitude manifested itself more clearly. For respondents who indicated that they were familiar with the activities of organizations such positive (totally or mainly) assessment was given by about 61%, and among those who noted the partial familiarity with the activities of these organizations a positive assessment was given by about 50%. One should note that even among those who said they were not familiar with the activities of human rights organizations, about 22% reported positive evaluations (which can be interpreted as an indicator of a certain attitude towards the human rights activities). If one looked at those who could name some active human rights organizations, nearly 78% among them gave a positive assessment.

Positive assessments have significantly outnumbered negative assessments in all regions (even if mixed attitudes toward different organizations were added to negative assessments), but residents of the Western region (about 51% of positive assessments) were more positive about the activities of human rights organizations.

26 A choice of several answers was provided. Answers were ranked by decreasing frequency of mentions.
Attitude towards human rights organizations is roughly the same among young people and middle-aged group (close to 40% of responses were positive, nearly 6% – negative, about 16% double ranking, and about 39% were not able to identify), whereas, positive assessments provided by older people constituted about 32%, while about half failed to rate.

The advantage of positive assessments of the activities of human rights organizations manifested also in the assessments of motives that guided people who became human rights activists. Responses to a proposed question about the qualities of people involved in such activities, quoted several «altruistic» (the desire to help others, a sense of justice, a desire to establish the rule of law and justice), several «selfish» (right to protection as a way to make money, work for foreign grants, usage of such work for a political career) options and one neutral option (statement of legal basis of this activity). As a result, «altruistic» motives gained the advantage, although the level of «neutral» ratings made up almost half of all answers.

CHARACTERISTICS OF HUMAN RIGHTS DEFENDERS (%)\(^{27}\)

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>61.3</td>
<td>People who want to help others</td>
</tr>
<tr>
<td>29.9</td>
<td>People who desire to establish the rule of law and justice in the society</td>
</tr>
<tr>
<td>19.0</td>
<td>People with an acute sense of justice</td>
</tr>
<tr>
<td>49.0</td>
<td>People with a law degree</td>
</tr>
<tr>
<td>20.3</td>
<td>People who simply earn a living by providing legal protection</td>
</tr>
<tr>
<td>13.5</td>
<td>People who are trying to get into politics</td>
</tr>
<tr>
<td>6.6</td>
<td>People who work for foreign grants</td>
</tr>
</tbody>
</table>

\(^{27}\) Respondents may choose more than one answer.
READINESS TO ENGAGE IN ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS

The overall positive attitude to human rights organizations hasn’t converted into readiness to participate in their activities. In general, only about a third of respondents (37%) expressed willingness to participate in such activities in one form or another, about the same (about 36%) reported that they were not ready for this and 27% could not decide (this can also partly be interpreted as a form of unavailability).

“We must be conscious that it is difficult to engage into something of which one has a scarce knowledge. The human rights organization should create simple and comprehensive models to attract wider society to rights protection. As well as promote their work in society.”

Oleksandra Matviychuk
Chairwoman of the Board, Centre for Civil Liberties

WILLINGNESS TO SUPPORT THE ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS OR MOVEMENTS (%) 28

<table>
<thead>
<tr>
<th>Activity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willing to donate some money</td>
<td>3,0%</td>
</tr>
<tr>
<td>Willing to join such an organization, and formalize the membership</td>
<td>4,3%</td>
</tr>
<tr>
<td>Willing to work for such an organization as a volunteer from time to time</td>
<td>6,5%</td>
</tr>
<tr>
<td>Willing to participate in certain activities (rallies, flash mobs, etc.)</td>
<td>8,9%</td>
</tr>
<tr>
<td>Willing to sign petitions, statements</td>
<td>22,9%</td>
</tr>
<tr>
<td>Willing to support actively</td>
<td>19,3%</td>
</tr>
<tr>
<td>Willing to support only passively</td>
<td>35,8%</td>
</tr>
<tr>
<td>Not willing</td>
<td>17,7%</td>
</tr>
<tr>
<td>Hard to say</td>
<td>27,3%</td>
</tr>
</tbody>
</table>

Willing to work for such an organization: 6,5%
Willing to support actively: 19,3%
Willing to donate some money: 3,0%
Willing to sign petitions, statements: 22,9%
Willing to join such an organization, and formalize the membership: 4,3%
Willing to participate in certain activities (rallies, flash mobs, etc.): 8,9%
Willing to support only passively: 35,8%
Not willing: 17,7%
Hard to say: 27,3%

These results are definitely inspiring, as one third is still ready to cooperate with human rights organizations. However, human rights organizations have the reason to think about how to win the hearts of those left behind. Think about how to prove their efficacy, how to engage citizens in a just resolution of certain issues. These results may be used as a guide for further work.

Valeriya Lutkovska
the Ukrainian Parliament Commissioner for Human Rights

28 Respondents may choose more than one answer
When also considering the «quality» of such readiness (i.e. the first four listed methods of action can be attributed to the active participation, while signing petitions and appeals is passive participation), the level of real willingness turned out to be even lower, because the willingness to actively participate was expressed by about 19%, and about 17% more are ready to only passive participation.

The expected level of readiness to participate in the activities of human rights organizations is higher among young people (this is manifested in the overall readiness and willingness to actively participate), but even among this age group, overall readiness was below 50% and the share of those ready to participate actively was less than a third. The smallest share of any kind of readiness was in place among the elderly generation.

However, this readiness is largely left untransformed into real action. Indeed, among all respondents less than 1% indicated their membership in human rights organizations, a little more than 1% said they regularly participated in the activities of these organizations, when close to 5% occasionally participated in some activities of these organizations, while about 93% of respondents were not introduced to these activities.

And a similar level of real participation is observed among the respondents who expressed their willingness to actively participate in the activities of the organizations (today among them about 80% did not engage in any activities, and only around 7% got involved or worked in human rights organizations or joined their activities on a regular basis). In other words, readiness to participate in human rights activities remained mainly declarative.

“It's a real cold shower for the post-Maidan society, the active part of which had to triple their efforts. And it is one of the reasons why our organization resumed educational programs to attract young people to rights protection last year. The human rights community was enriched with new people after the Revolution of Dignity and then the inflow of people stopped.”

Oleksandra Matviychuk
Chairwoman of the Board, Centre for Civil Liberties

ASSESSMENT AND COOPERATION WITH HUMAN RIGHTS ORGANIZATIONS

More than half of respondents in expert groups reported that they were well acquainted with the activities of human rights organizations, and not more than 8% (among the civil servants this percentage was the highest) said that they knew nothing about their activities.

Estimates of the efficiency of human rights organizations have also divided. Their work was considered less efficient and rather mediocre by civil servants and judges, but the police and journalists were much more positive in their assessments.
DO YOU KNOW ANYTHING ABOUT THE WORK OF HUMAN RIGHTS ORGANIZATIONS?
(expert survey, %)

It's an interesting fact that journalists, giving a positive assessment of the human rights organizations also quite often interacted with them, because 8 of 10 had at some point applied to non-governmental human rights organizations or movements in their work.

At the same time, civil servants, lacking such positive attitude, rather inactively interact with human rights defenders. Only one out of five polled civil servants applied to human rights defenders in their work, and less than one third received some appeals from human rights organizations or separate human rights defenders. Interviewed civil servants who turned to human rights organizations, mostly did so to get help in solving a particular problem or in case of violation of the rights of an individual. It should be noted that in cases of appeals from human rights defenders, their aim was to address the same issues.

**SURVEY OF TARGET GROUPS**

**DO YOU KNOW ANYTHING ABOUT THE WORK OF HUMAN RIGHTS ORGANIZATIONS?**
(expert survey, %)

<table>
<thead>
<tr>
<th>Target Group</th>
<th>Yes, I am knowledgeable about their activities</th>
<th>I don't know anything about it</th>
<th>I have heard something about it</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Servants</td>
<td>51,9</td>
<td>40,4</td>
<td>7,7</td>
</tr>
<tr>
<td>Judges</td>
<td>59,4</td>
<td>36,7</td>
<td>2,8</td>
</tr>
<tr>
<td>The Police</td>
<td>59,2</td>
<td>35,0</td>
<td>4,9</td>
</tr>
<tr>
<td>Journalists</td>
<td>84,0</td>
<td>14,0</td>
<td>1,0</td>
</tr>
</tbody>
</table>

**HOW EFFECTIVE ARE, IN YOUR OPINION, THE ACTIVITIES OF HUMAN RIGHTS ORGANIZATIONS IN UKRAINE AS A WHOLE** (expert survey, %)

<table>
<thead>
<tr>
<th>Target Group</th>
<th>Very effective</th>
<th>Rather ineffective</th>
<th>Fully ineffective</th>
<th>Hard to say / no answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Servants</td>
<td>1,0</td>
<td>37,5</td>
<td>28,8</td>
<td>5,8</td>
</tr>
<tr>
<td>Judges</td>
<td>42,8</td>
<td>35,0</td>
<td>4,4</td>
<td>17,8</td>
</tr>
<tr>
<td>The Police</td>
<td>4,4</td>
<td>51,5</td>
<td>25,3</td>
<td>4,9</td>
</tr>
<tr>
<td>Journalists</td>
<td>2,0</td>
<td>70,0</td>
<td>19,0</td>
<td>2,7</td>
</tr>
</tbody>
</table>

It's an interesting fact that journalists, giving a positive assessment of the human rights organizations also quite often interacted with them, because 8 of 10 had at some point applied to non-governmental human rights organizations or movements in their work.

At the same time, civil servants, lacking such positive attitude, rather inactively interact with human rights defenders. Only one out of five polled civil servants applied to human rights defenders in their work, and less than one third received some appeals from human rights organizations or separate human rights defenders. Interviewed civil servants who turned to human rights organizations, mostly did so to get help in solving a particular problem or in case of violation of the rights of an individual. It should be noted that in cases of appeals from human rights defenders, their aim was to address the same issues.
On the other hand, almost all the human rights defenders taking part in the survey stated that they were approached by representatives of authorities in certain matters, but only half of respondents reported of regular cooperation. Cooperation with journalists is somewhat more active – 3/5 of the respondents said such approaches were frequent.

Most often, an occasion for human rights defenders to apply to public authorities consisted of the need to invite the latter to their events or to be members of public advisory bodies under government institutions. Besides, rather often, they applied to public authorities also to request help in addressing certain problems. Journalists in their turn most often approached public officials for comments on current events, situations with human rights violations in a certain field, or violations of a particular individual’s rights.

“Greater openness of public authorities to cooperation with civil society organizations has been observed in recent years. Earlier, to secure support for holding events concerning human rights protection, one needed to have personal contacts with a head of certain agency or directorate, whereas now our organization has a number of successful examples of approaching public authorities and implementing joint projects due to their willingness to cooperate with the non-governmental sector.”

A large part of human rights defenders taking part in the survey stated that they were rather unsatisfied with the contacts with public authorities they have had, whereas their estimate of cooperation with journalists was more positive.
Interaction between public servants and human rights defenders is problematic. Only one of five civil servants surveyed applied to human rights defenders in their work. Is there a need in such cooperation, in your opinion? If yes, why and how it should be established?

Public service is a specific professional field and civil servants have certain limitations in relation to the rest of the citizens. For example, civil servants have no right to go on strike, while high-ranked officials, in particular, may not be members of political parties. Civil servants are unable to combine their work with other paid work. All these restrictions are intended to ensure that State Service is non-corrupt, apolitical, and that civil servants are working for the public benefit.

Civil servants have other methods to protect their rights than turn to human rights defenders (e.g. appeal to the Administrative Court). So, this figure is not surprising for me. I can say it is already big enough. I do not think that this figure may be higher.
SOURCES OF INFORMATION ON HUMAN RIGHTS AND THEIR INFLUENCE

SOURCES OF INFORMATION ON HUMAN RIGHTS AND THE FACTORS THAT INFLUENCED THE UNDERSTANDING OF HUMAN RIGHTS THE MOST
Of the possible channels of information about human rights and ways to protect them television became an absolute leader; 3/4 of respondents rated it highest. Friends, relatives, colleagues are a second priority source (41%). Websites (occupying the third place by frequency of use) are the source of such information for less than 1/3 of respondents (30%). The least of all citizens are informed about issues of human rights by representatives of non-governmental charity organizations, religious organizations, and government agencies (their staff and information materials in these agencies).

This ranking was almost universal throughout all regions of Ukraine, although there were some differences in the degree of usage of these sources. In particular, to obtain such information from relatives and friends was more common for residents of the Western region (56%), and significantly less for the residents of the Eastern region (29%). The websites were a more popular source in the Donbas and Southern regions.

Use of websites as a source was significantly related to age (the older the age was, the less websites would be used – from 49% among young people, 30% among middle-aged and 13% among older persons); in regard to the use of television programs the relationship was inverse (the highest level of appeal was among the elderly group). There was no significant age differences in using other sources.

At the same time, television was not only a major source of information on the subject of human rights, but also the most influential info-channel. In particular, almost 57% of respondents indicated that this source influenced the formation of ideas about human rights the most. Family and friends were rated as second priority; also, Internet and social networks and schools were important for nearly 1/4 of respondents.
This hierarchy of influential channels appeared almost the same in all regions of Ukraine, but there were some differences in the scale of the impact of individual sources. Firstly, according to the respondents the level of media exposure in the Eastern region was relatively smaller (though not by much). Secondly, the importance of information from family and friends and the church was significantly higher for the inhabitants of the Western region (about 20%). Thirdly, one can note lesser significance of information that came from schools for residents of the Southern and the Eastern regions. It should be emphasised that in all the regions political leaders were considerable source of information on human rights for a very limited number of population.

FACTORS THAT CONTRIBUTED TO THE DEVELOPMENT OF UNDERSTANDING OF HUMAN RIGHTS THE MOST (%) ²⁹

Although media is a leader in all age groups, this source has a slightly lower impact on young people (although even among young people slightly more than a half considered media as influential). At the same time Internet and social networks influenced youth much more than the representatives of other age groups. But the church remained noticeably more influential among the elderly people.

²⁹It was allowed to select several answers.
The survey of expert groups has some differences compared to the nation-wide survey, but the general trend of «influence» has been kept. Thus, the top five among all groups included one’s own thoughts and reflections, which ranked highest as reported by civil servants, judges, journalists and human rights activists. Family and friends played significant role in the formation of rights consciousness of respondents, except for teachers who rated the impact of the colleagues higher.

The impact of educational institutions among expert groups significantly increases in relation to the criterion of «professionalism» as the highest rank was assigned by teachers to schools, while it was treated as a second priority by legal professionals – judges, lawyers and police officers. And the only group which did not include schools in the top five were journalists who rated higher the impact of the Internet and social networks.

Interestingly, the media, which was the most influential source of information across all population, did not rise above the 3rd place among any of the groups. Even among the journalists it was ranked 5th, and human rights groups estimate did not include it in the top five.

IN YOUR OPINION, WHICH FACTORS MAINLY CONTRIBUTED TO THE DEVELOPMENT OF YOUR UNDERSTANDING OF HUMAN RIGHTS (expert survey, %) 30

It was allowed to select several answers.
HUMAN RIGHTS AT SCHOOL

TEACHERS

Formal education plays an important role in the formation of consciousness, so implementing appropriate programs and practices is currently an important issue. Moreover, more than half of the population (52.3%) believed that it is truly necessary to teach fundamentals of law at school, and other 40.6% are also inclined to this opinion.

Considering this finding it’s very important to know the opinion of teachers on this issue, including approaches. Emanating from the survey results, teachers responded favourably to the idea of teaching a separate subject «Human Rights» at school. Almost ¾ of respondents agreed with the expediency of introducing a separate subject, but almost half of this amount noticed that a separate subject «Human rights» should only be introduced after curriculum and teachers are ready. Only a quarter of respondents believed that the best way was to integrate this subject with other disciplines.

SURVEY OF TARGET GROUPS

Almost three-fourths of the polled teachers positively accept the idea of teaching human rights as a separate subject at school, and only one-fourth believes that integrating this subject into other disciplines would be the best way. What’s your stance on this issue?

The school education system includes the Law subject that is intended for a certain age group of school students. It is taught for an hour or 90 minutes a week. Of course, this can shape some fragmented knowledge about rights but this subject is not able to shape what we call civil competency. For example, an individual will theoretically know his or her rights… But how it may be applied? How to react in different problematic situations?

Human rights could well be taught as a separate subject but things necessary for each person’s successful self-realization must be cross-cutting for the entire teaching process. It is very hard to understand because we have had a subject-based logic since the Soviet school time.

Are you satisfied with the knowledge about human rights that children acquire at school? Do you plan any changes in this field?

No we are not, and not only with human rights knowledge. The problem is that our school is completely geared for reproduction of generally theoretical knowledge. That’s why a priority direction to us consists of a reform of secondary education where an individual’s development is going on and his or her world outlook is taking shape. That’s a concept of a new Ukrainian school meaning a shift from a school of knowledge were children are stuffed with theoretical knowledge to a school of competencies. We are preparing a new education standard, i.e. revising the content of education. Based on the standard, textbooks are being written. Human rights knowledge is currently provided actually through the Law subject which is a very short course in a certain grade. In reality, however, civil competency should be ensured from the first through last school grade in a cross-cutting way across the entire teaching process. It should be reflected in state education standards, and teachers must be ready for that because these are different teaching methods.

Methods of competency-based teaching differ in that they mean working with children in groups when students communicate with each other, solve problematic tasks, learn to argue their positions, demonstrate a critical thinking and attitude to texts. This needs also a separate environment at school.

…it is not enough to tell children about knowledge, human rights and culture of democracy, one should demonstrate it with one’s own behavior. In particular, an element of such behavior is so-called partnership pedagogics that should become a key component of the new Ukrainian school. At present, relations at school are built as follows: a teacher has a portion of knowledge that he or she gives to the pupil. There is no dialogue actually going on. Parents also stand aside: they don’t influence the school life but only bring money. As a result, there is no partnership at all. If we talk only about the integration of human rights into existing school subjects, the teachers surveyed consider it appropriate to teach human rights in the “Fundamentals of Law” (almost 3/5) and “Civic Education” (1/2).

Liliya Hrynevych
Minister of Education and Science of Ukraine
Among respondents there is no certainty as to at what age children should study human rights. A quarter of them believed that it should be done from 5–6 years, and fifth – at 9–10 years. However, the views of respondents concurred that after 15 years of age it is too late to start teaching human rights to children.

“The course in Civic Education is an elective course choice and today schools rarely choose it. This is due to the fact that they are overburdened by the mandatory component of the program. At the same time, there are quite a lot of developed, primarily by NGO initiatives, courses which are offered “at discretion” (elective component of the program), through which certain aspects of human rights can be taught. There are interesting guides issued by civic organizations, which could be used as part of the educational process: “We are citizens of Ukraine”, “Practical Law”, “Learning to be citizens”, “The Art of Living in the community”, “Where human rights begin: lessons of history and modern approaches”, “Live by the rules”, etc. This list is not exhaustive. We can only hope the reform of the system will give general educational institution more opportunities to use existing programs, manuals and textbooks including the abovementioned.

As for the “Fundamentals of Law” subject, which is referred to by teachers interviewed as a subject that could be used to teach human rights, the problem is that, firstly, the objectives of the program of this subject are unlikely to allow it to be used in such a way. This subject is now more a “copy” of the discipline of Soviet-era “Fundamentals of state law”, contains a lot of theoretical information that is not needed for every child, and looks more like a preparatory subject for entry to a law school. In addition, the content of the subject requires a thorough review because of its post-Soviet origin, just as general approaches to jurisprudence. Secondly, if in accordance with the current 2016–2017 academic year law programs 9th grade students study the question “What is human rights and freedoms. The Universal Declaration of Human Rights. Types of rights and freedoms. The United Nations Convention on the Rights of the Child” and several lessons are devoted to the topic of human rights, in the law program. The 9th grade curriculum for the next school year, issues of international standards and international documents on human rights have been excluded, while the issue of human rights is just one of the points of the subject...

Every fifth respondent considers appropriate to teach human rights in the course “Me and Ukraine.” This course is taught in elementary school. It has several topics that directly involve human rights education. At present, the content of these topics also needs to be reviewed in terms of getting rid of distortions in the understanding of human rights and compliance with the age of the students.”

Three quarters of teachers surveyed believed that in general in existing disciplines human rights were taught satisfactory or quite good. Less than 1/5 of respondents rated the level of human rights teaching in schools as poor or quite poor. At the same time, a significant proportion of teachers pointed out the poor quality of textbooks and the fact that human rights taught in schools was abstract and not related to the real life.

Speaking about quality of textbook chapters which deal with human rights in more detail, we can summarize that more than a third of respondents were dissatisfied with the available materials. The main reasons for this: the material was taught abstractly, far from the realities of life and there were no practical tasks that would have made students more active.

Main barriers to quality teaching about human rights in schools were mainly related to methods and materials, more precisely, their absence (such was the opinion of 43% of teachers). Another important point, according to teachers, were acts or rather inaction of the Ministry of Education and Science.
Interestingly, most surveyed teachers (50%) were satisfied with quality of textbooks, particularly sections dealing with human rights. Only 30% pointed out that they were “mainly unsatisfied”, and 5% reported they were “not satisfied at all”. Only 7% of the teachers not satisfied with quality of textbooks stated that the reason of low quality was the fact that “textbooks contained factual mistakes and erroneous judgements” although it was one of the greatest problems with textbook quality.

34% of surveyed teachers believed that the reason of low level of human rights teaching at school was the fact that “students have treated these subjects (e.g. jurisprudence) as optional, not included in external independent evaluation exams (EIE)".

“A great number of conceptual mistakes and a distorted understanding of human rights, outdated approaches, texts and methodology are pointed out also during the monitoring of human rights education currently conducted by the Ukrainian Helsinki Human Rights Union as part of the “Understanding Human Rights” program.

“First of all, it points to a general problem in the contemporary education system in Ukraine that is rather aimed in senior grades at preparation for EIE and divides subjects into ‘more and less important’, including some of them in the list of those covered by EIE and those being ‘optional’ from this point of view.”
EXPERT OPINIONS
WHAT WAS THE MOST SURPRISING OR IMPRESSIVE FACT ABOUT THE RESULTS OF THIS STUDY?

WAS SOMETHING UNEXPECTED?

HOW CAN THE RESULTS OF THE STUDY BE MADE USEFUL?

HOW DO YOU PLAN TO USE THEM IN THE FUTURE?

The results show that, in general, there is understanding in the society of what human rights are, what their genesis is, and how they are related to, first and foremost, the rights spelled out in the Constitution that are guaranteed to Ukrainian citizens, to European standards and best practices. They are not an empty sound, but rather real steering principles that people are guided by, and through the prism of which they assess the actions of state authorities and other processes that take place around.

I have not made any unexpected discoveries, but I understand that our movement towards European integration and adaptation to the standards requires revisiting the traditional beliefs.

As far as human rights adherence is concerned, the attention is focused on those that were not considered a priority before. A democratic, developed country is the one where individuals are respected without any caveats, and reforms or definite societal processes are taking place in the interest of the people.

For our further work, we need to take into account the results of similar research in different spheres. For instance, one could take the sphere of the penitentiary reform. It is an attempt to ensure the rights of individuals in prison or in temporary custody, as the situation with respect to human rights in the penitentiary system is as the level of the 19th century. Understanding of human rights is important in this case, but it has to be followed up by concrete steps that implement human rights standards into the reform process.

If one speaks of the healthcare reform, it is evident that the constitutional right for receiving high-quality medical treatment is to be provided for. And in this respect ideas such as creation of hospital districts and procurement through international organisations appear. In this vein, the steps that the Parliament and the Ministry of Healthcare are making today, are also aimed at ensuring this right.

In the area of public administration, an important milestone is the new Law on Civil Service that kicked into action from 1 May 2016. This Law underwent an expert assessment of the Ombudsman’s Office and international experts, and is believed to be in alignment with European standards in the area of public administration, including in such realms as non-discrimination pertaining to public servants and impossibility of firing for certain protected characteristics.

As such, the public service reform that we are implementing is also harmonized with human rights issues.
I was surprised to see the responses of judges to the question on what was the strongest negative impact on the judges to take illegal actions. Some 36.7% of the judges responded that it was the fear for their life and security and 33.3% – that it was the fear of rallies at the entrance to the court building. Experienced judges know that whatever rallies are taking place outside the court building, and whoever would try to impact the decisions made, the judge is ultimately responsible for the decision. The judge signs the papers and has the responsibility for the legitimacy and fairness of the verdict. Judges shall not take into account any of the factors that are trying to impact their ruling.

On the other hand, only 5% of the decisions are cancelled after appeal in cassation courts, so I would not say that almost 70% of the judges make decisions under the influence of some factors. At the same time, the response “No one and nothing can make the judge pass an illegal decision” is selected by only one fifth of the judges interviewed this characterizes the current status of justice and is testimony to the fact that the judges are depressed and stressed out. The judges are indeed afraid, as they receive a lot of threats. And rallies are not the worst part. There are threats to the security and life of judges. Due to this, the justice corps is in a depressed state. And if judges are depressed – you can manipulate them. This is a very alarming situation for the justice sector. Judges have to be sure that for a fair decision that was made in his or her good faith, there shall be no persecution.

As far as the political pressure from the public servants is concerned, I would say that it decreased. Testimony to this are the appeals of the judges to the Council of Judges and the Higher Council of Justice. Moreover, due to the amendments adopted to the Constitution of Ukraine regarding justice, Verkhovna Rada is no longer appointing judges. Thus, I also have a question regarding the result that was received throughout the polling – why the percentage of those who report political pressure is so big – over 50%? Maybe, by the end of 2016 the judges had not yet felt those changes. Alternatively, this could be linked to the fact that many judges are not getting appointed to their positions for three years now, and Verkhovna Rada had been playing the main role in this process. This is one of the additional factors for impact on the future judge.

As far as the change in the situation with human rights is concerned after the Euromaidan, I expected to hear from the judges that the situation had worsened. We see that judges (86%) believe that appealing to court remains one of the most effective ways to defend human rights in Ukraine, but at the same time the right to judicial protection is suffering. With increase of the workload for judges, the access to justice has worsened – before, the cases were considered better and faster. Throughout the period of the country’s independence it never was a case like today that 20 district courts are not functioning or there are no judges on bench, and the people, therefore, cannot go to court to defend their rights. The most experienced judges left, the case consideration terms increased, the number of complaints grew, and the number of attempts to influence the court increased.
I was positively impressed by the overall level of assessment and trust of the citizens towards the police. At the same time, there is some concern, as objectivity may be discussed at length: the logic that was applied by the police officers in responding to the questions is not yet transformed into a 100% open one.

There is a certain trend linked to biased answers of the officers regarding assessment of the police. They are not yet fully open, and provide answer cliché-type responses, which does not give us the full picture of the real state of things. At the same time, I see a positive thing in the fact that this research was not ever conducted before, and this gives us understanding of the vector for progress.

Kostyantyn Bushuev
Deputy Head,
National Police of Ukraine

The greatest surprise was that one third of the Ukrainian population is ready to trade in their rights and freedoms for a certain level of welfare. I believe this is a significant share.

I was also surprised to see the share of people who noted that in the last four years nothing changed with human rights protections, or that the situation actually got worse. Unfortunately, the people, being hit by economic hardships, do not feel that their rights and freedoms are protected.

An unpleasant result is that part of the study that deals with sentiments that would allow to limit the rights of certain groups. I was astonished that the people who had gone through the Revolution of Dignity believed that one could restrict the rights of former convicts, rights of ethnic groups or representatives of sexual minorities. This means that we need to work more in these areas.

This study allows us to deepen the work on our current priorities, rather than change the priorities per se. For instance, enhance the human rights education function of our Office.

I am not persuaded that a specialized course “Defend Your Rights” may be helpful, as you have to mainstream human rights into those curricula that exist today – for instance into the courses on history, literature, fundamentals of law. It would be important in cooperation with Ministry of Education to develop some creative means – not just a human rights course. I do not believe that studying human rights as a mandatory subject at school may lead to any positive results. A more creative approach needs to be deployed.

In addition, the research will be a good foundation for tracking down over time what happens with human rights in Ukraine. If we are able to conduct such a research for instance in one year, we will have a statistical proof of certain changes that are happening.

Valeriya Lutkovska
the Ukrainian Parliament Commissioner for Human Rights
CONCLUSIONS AND RECOMMENDATIONS

THIS SURVEY CONTAINS A HUGE ARRAY OF INFORMATION. THE ANALYSIS PROVIDED IS FAR FROM PRETENDING TO BE COMPREHENSIVE BUT WE DEEM IT NECESSARY TO HIGHLIGHT CERTAIN REGULARITIES AND SOME CONCLUSIONS IMPORTANT FROM OUR VIEWPOINT.

THE POPULATION OF UKRAINE HAS A RATHER HIGH LEVEL OF SUPPORT FOR HUMAN RIGHTS VALUES BUT ...

... a major part of respondents are confused about notions, with many Ukrainians guided by values that contradict to human rights to certain extent (morals, religion, traditions). If we compare these results with responses of expert groups having a special education, particularly in law, the need to strengthen formal education in human rights, to shape an understanding of the human rights concept and to develop human rights protection skills become yet more obvious. In particular, improving the quality of teaching human rights at school, enhancing an applied domain of education, and developing pupils’ competencies can result in rather positive shifts in a long term.

A CONSIDERABLE PART OF UKRAINIANS ADMIT THAT HUMAN RIGHTS ARE NATURAL, BELONG TO THEM FROM BIRTH, AND ARE NOT DERIVED FROM THE STATE BUT...

... they keep on waiting for the rights to be granted by the state. They also are reluctant to defend their rights and half of them have never tried doing that (for a variety of reasons). Awareness of real rights-defence instruments – such as courts, police, the Ombudsman’s Office and others – is relatively low and is based not on factual knowledge but rather rooted in opinions shaped by the surroundings, through the family and close
ones, as well as the media. As such, it is important for the state authorities to disseminate information on the relevant rights defence mechanisms, positive practices of their application, as well as availability and ease of information presented.

UKRAINIANS NEGATIVELY APPRAISE THE HUMAN RIGHTS SITUATION OVER THE POST-EUROMAIDAN TIME ALTHOUGH THEY JOINED THE REVOLUTION OF DIGNITY FOR THE SAKE OF RIGHTS AND LIBERTIES...

... In particular, results of the opinion polls as to the main perpetrators of human rights violations, the assessment given to the status of human rights in Ukraine (which is does not go above 3 in a 5-point scale), as well as the "results" of the questionnaire administration to the politicians, is a clear demonstration of the weak political will in implementing the human rights agenda and assessment of all reforms in this realm in the last years. As such, work is needed to implement real in-depth (not patch-up) reforms that are linked to ensuring human rights and freedoms, and considering human rights defence issues as political and security decisions are made in the country.

OVER A HALF OF THE POPULATION REGARDS DISCRIMINATION AS A PROBLEM IN UKRAINE ALTHOUGH...

... the principle of equality is not a priority in the value dimension, which, combined with willingness to restrict rights of certain social group members, are a direct prerequisite for much awareness-raising and education work vis-à-vis both the society and the government bodies. Such work has to be conducted both for the public at large and for relevant professional groups – as readiness to close eyes to the issues of discrimination even by an insignificant share of civil servants, police officers and educators may have a negative multiplier effect and become a catalyst for discrimination in the society.

UKRAINE’S POPULATION IN ALL REGIONS DEMONSTRATES PREDOMINANTLY COMMON APPROACHES AND VISION CONCERNING HUMAN RIGHTS PROBLEMS BUT...

... each region has its own specifics and differences in appraisals and problems, which should be taken into consideration in development of regional programs and projects as well as in implementation of initiatives aimed at raising awareness on human rights generally and on human rights protection mechanisms in particular. Against this background, amid slight or uncritically significant differences between other regions of Ukraine, particularly standing out is Donbas where a population survey indicates a keen feeling of “learning the human rights value by doing”. Such regional differences are a litmus paper for taking specific problems of Donbas into account, not only in the sense of development of relevant programs considering vicinity of the conflict, the population’s particular vulnerability, and a higher risk of adverse impact of external factors, but also in terms of ensuring a reasonable balance between security and human rights.

PEOPLE’S MASS UNWILLINGNESS TO PROTECT THEIR RIGHTS IS RATHER UNEXPECTED, AND THIS FINDING CONCERNS NOT ONLY STATE-GUARANTEED MECHANISMS AND INSTRUMENTS BECAUSE ...

... Ukrainians are actually unaware of human rights organizations’ work and are not ready for active participation in human rights protection activities, which evidences a enormous volume of work that will have to be handled by human rights defenders to have the desired effect from advocacy and educational activities and to involve the passive citizens who have to be the end-users of services and efforts.
Almost half of the Ukrainian population is aware of the National Human Rights Institution. This knowledge is rather superficial but...

... the picture is quite different with findings of a survey of expert groups: in their opinion, the VRU Representative for Human Rights is in the top five efficient mechanisms of human rights protection, which indicates the institution's right direction of work. At the same time we believe that raising general public awareness on the Ombudsman’s mandate is an important area of work that will have a positive effect.

Efficiency of appealing to the Ukrainian Parliament Commissioner for Human Rights was highly appreciated by Donbas residents, reaching the second position after the European Court of Human Rights, and this outcome is rather natural because...

...there is an altogether different picture with the results of expert interviews. In the latter case, the Ombudsman's Office was names amongst the top-five most effective mechanisms for human rights protection. This is testimony to the correct course of action taken up by the institution. At the same time, increasing awareness of the population at large regarding the mandate of the Ombudsman is a crucial area for intervention, which will have a positive result.

* * *

It is worth mentioning specifically that the expert group survey not only allowed taking a multidimensional view on this subject but also enabled talking about certain gaps in knowledge and ideas of the groups themselves as well as about problems they encounter, namely:

Three-fourths of civil servants agree that human rights protection is the state’s duty but...

...one in four believes that the state gives the rights to people as a present, and over a half of the relevant respondents believe that acknowledgment of the rights by the state already means that individuals have certain responsibilities. These results prompt a foundational review of the system for training civil servants in the area of human rights, and change in perceptions of the role of civil servants in ensuring human rights adherence. Such training would be, on the one hand, unified in its approach to foundational principles; on the other hand, it has to include essential practical aspects that have to be related to the peculiarities of each sphere and public administration area (face-to-face work with citizens, development of regulations, shaping the standards for service-provision, etc.)

Obvious gaps exist in the police officers’ understanding of the value and importance of human rights as well as of the role that police must and can play in the matters of rights protection and restoration, because...

... the fact that every tenth law-enforcement officer is ready to justify tortures is an extremely dangerous signal. Hence, the police officers training system should not only provide purely theoretical knowledge about legal regulation of this field but first of all influence the value-related ideas of law enforcement officers, adding an element of practical application and solution of the situations on the edge between observing human rights and performing duties efficiently.
JUDGES IN UKRAINE DON’T FEEL A PROPER LEVEL OF INDEPENDENCE BECAUSE …

... only 20% of them agrees that no-one and nothing is able to make a judge award an unlawful decision. This indicates a serious challenge and requires not only effective action to finalize the justice reform but also awareness-raising and shaping a respectful attitude towards the judiciary branch amongst other actors (politicians, journalists, civic activists, etc.), else actions by these stakeholders aimed at the justice sector may bring about a reverse effect: of undermining the trust towards the judiciary.

MOST OF THE TEACHERS ARE UNHAPPY WITH THE QUALITY OF CURRICULA AND TEXTBOOKS IN THE AREA OF HUMAN RIGHTS EDUCATION, AND YET...

...understanding of these topics by the educators per se (as evidenced by the results of the survey and expert assessments) is also far from ideal. This, in fact, necessitates not only reforms aimed at changing approaches to human rights education with students, but also the need for training of the teachers. In this latter area, cooperation with human rights organisations may become both a source of grounded criticism and a source of valuable knowledge and new approaches.

THE MAIN SOURCE OF HUMAN RIGHTS KNOWLEDGE, ACCORDING TO THE SURVEY, IS THE MEDIA. THE MEDIA IS ALSO BELIEVED TO BE THE MOST EFFECTIVE TOOL FOR DEFENDING ONE’S RIGHTS. THIS, IN FACT...

...is a rather unexpected result, since human rights education and, even more, human rights protection are not functions of the media. These may be, of course, the by-products of media activity. As such, currently a crucial work direction, inter alia for the human rights defence community, is to increase the human rights culture of journalists per se in order to strike a balance between sensation and human rights, to introduce human-rights-based approaches to journalist work, and combat manipulations. In the given situation, the high level of trust towards journalists imposes significant responsibility on them.

IMPOSSIBILITY OF OBTAINING AN OPINION OF THE NECESSARY NUMBER OF POLITICIANS DURING THE SURVEY WAS AN ELOQUENT RESULT BECAUSE …

... they are the only group that refused to answer the questions, regardless of whether they have power or are in opposition. This indicates a low priority of human rights in activities of political parties. Meanwhile, the data obtained in the survey showed that no less than one-third of Ukraine’s population are steady and committed advocates of freedom and human rights ideals. Therefore, it is rather surprising that there is actually no political party now for which fundamental human rights and liberties would become a cornerstone of their ideology and practice, whereas many political parties aim at the electors for whom socio-economic rights are a priority and some parties are guided by values competing with human rights such as morals, religion or patriotism.

CONCLUSIONS AND RECOMMENDATIONS