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SUBJECT: HUMAN RIGHTS OMBUDSMAN REPORTS ON TORTURE, NEED FOR JUDICIAL REFORM

(U) Sensitive but unclassified, please handle accordingly.

Summary

1. (SBU) Human Rights Ombudsman Nina Karpachova recently presented a report to the Rada highlighting problems with the judiciary, torture in pretrial detention, and poverty. Human rights experts we spoke with gave her some credit for raising these concerns but criticized her for being too involved in politics and not effectively using her position to advocate for human rights. End Summary.

Ombudsman Criticized for Political Ambitions

2. (SBU) Human rights groups have often criticized Human Rights Ombudsman Nina Karpachova for her political ambition. Karpachova, who has held the post since 1999, came under fire in 2007 from human rights groups for keeping her position as Ombudsman after winning a seat in the Rada as a Party of Regions MP. In response to accusations of conflict of interest, she relinquished her Rada seat in 2008. She was subsequently reelected by a vote of the Rada to the post, officially known as the Parliamentary Commissioner on Human Rights. Since 2008, even her critics acknowledge that Karpachova has been more active - but selective - in addressing claims of human rights violations.

Ombudsman Sees Poverty as Top Problem

3. (U) Karpachova presented her constitutionally-mandated annual report, the first since 2005, to a sparsely attended session of the Rada on June 24. Her top concerns were inadequate government programs to address poverty, the lack of access to government-provided land and housing, a dysfunctional judiciary, and abuses in pre-trial detention and prisons. Karpachova argued that poverty was the primary cause of human rights problems claiming that up to 70 percent of Ukrainians live below the poverty line. She said that wage arrears, unemployment, the lack of free medical care,



and long waits for government-provided housing added to the misery caused by the economic downturn. She added that migration flows from other countries through Ukraine, caused the global economic downturn, was a growing problem. To address increased migration flows, she called for the Government to establish a central migration authority.

Calls for Judicial Reform, Better Prison Conditions

4. (U) Karpachova said the most desperate complaints she receives involve the judiciary and she called for its reform. She reported that only 35 percent of court rulings were actually implemented in 2008. The Ombudsman received 1922 complaints of police violence to coerce confessions or bribes in 2008 compared to 1428 complaints in 2007. The Ombudsman cited inhuman conditions in prisons but noted some progress with the reduction of the prison population by roughly one-third since 2000. She credited this drop to more humane sentencing.

Human Rights Advocate: Ombudsman too Cautious

5. (SBU) Yevhen Zakharov, a respected human rights advocate who ran for the Ombudsman position against Karpachova in 2008, told Emboff that the report's findings were overly cautious. Zakharov questioned Karpachova's claim that seventy percent of Ukrainians live in poverty but agreed that there is a growing gap between the rich and poor. He agreed with her call to reform the judiciary but noted that she offered no concrete recommendations) probably out of fear of fallout in a politically charged election year. Zakharov felt Karpachova should have specifically mentioned political interference in the court system but credited her for raising the problem of abuse in pretrial detention and prisons.

Critic: Ombudsman Ruined Credibility of her Office

6. (SBU) Human Rights advocate Seymon Gluzman dismissed Karpachova's report and characterized her overall work as lacking substance. While acknowledging that her report addressed the problem of torture in pretrial detention, he said that she was only restating complaints made human rights NGOs. Gluzman asserted that the office of Ombudsman lacks authority and does not play a leading role in protecting human rights. However, Karpachova should have been more assertive during her tenure. By not speaking out on

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"substantive" issues, Karpachova had damaged the credibility of the office of the Ombudsman as an institution, asserted Gluzman.

Comment

7. (SBU) The release of the report) the first since 2005) is another indication that Karpachova has been more active over the past year. The report's coverage of problems such as torture and judicial reform - something we hear about from our human rights contacts - is a positive development. However, despite her improved efforts, Karpachova will have a hard time regaining credibility within the human rights community.
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