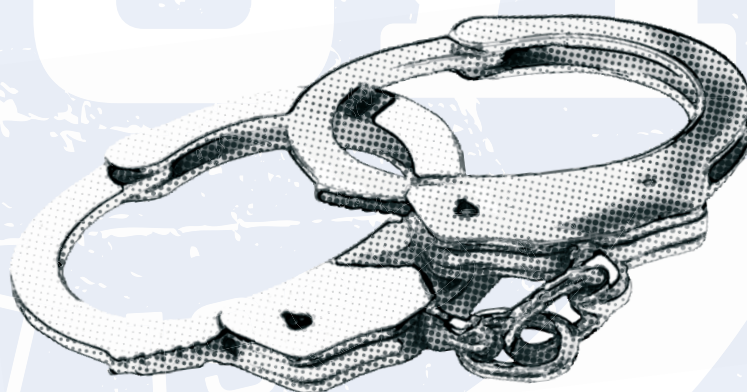


KHARKIV INSTITUTE
FOR SOCIAL RESEARCH

MONITORING

UNLAWFUL VIOLENCE
IN THE POLICE
OF UKRAINE 2004–2017 yrs.



KHARKIV
2017





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The readers are offered the sixth instalment of the research on the spread of torture and ill treatment in the police of Ukraine, which highlights these latent and unpleasant things together with their causes. The paper contains the results of the monitoring started in 2004. A series of studies of the unlawful violence phenomenon throughout 13 years using similar methodology allows to analyse the processes taking place in the law enforcement system and the success of reforms. To this end, the research will be useful to law enforcement professionals, journalists, social activists, lawyers, representatives of international organisations, and to all those who are interested in human rights and reforms in Ukraine.

**D. Kobzin, A. Chernousov, K. Koreneva, M. Kolokolova
Monitoring of unlawful violence in the police of Ukraine (2014–2017 yrs.),
Kharkiv, Kharkiv Institute for Social Research – 2017.**

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INTRODUCTION

The sixth phase of national monitoring of unlawful violence in the police does not only help evaluate the dynamics of this phenomenon in Ukraine throughout the overall period (2004–2017). This is, foremost, an assessment of success of the police reform, launched to counteract devastating consequences of the surge in undue violence by law enforcement bodies in Ukraine in 2013–2014.

The report contains analysis of the social research results: it contains comparative analysis of opinions that common citizens share on the spread of unlawful violence in policing in Ukraine; the data of 2004–2017 were compared; the citizens' attitude towards unlawful violence and its acceptability in policing under current conditions have been analysed; opinions of respondents on the dynamics of change in this realm for the last years, causes of unlawful violence and possible ways of improving the situation have been studied.

Conclusions and Recommendations Section of the research contains concrete recommendations on prevention of unlawful violence by means of institutional changes in policing.

METHODOLOGY OF THE RESEARCH

Research of pervasiveness of torture and abuse in the internal affairs bodies is not a simple task, for such phenomena are latent. For this reason, the working group was trying to get as much information from all available sources as possible, what allows to study the problem since 2004, and to analyse it deeper due to comparison of different opinions on the same phenomenon. To do this, we employed the following methods of monitoring and information collection:

- interview of population in 10 regions of Ukraine (3000 persons) by employing a method of structured interview at a respondent's location of residence;
- conduct of individual semi-structured interviews of experts who faced the problem of unlawful violence and torture in the internal affairs bodies (militia/police officers, lawyers, prosecutors, representatives of public organisations, judges);
- interview of victims of unlawful violence in the internal affairs bodies;
- analysis of internal statistics of the National Police of Ukraine, in connection with policemen's compliance with human rights.

Rationale behind the sample

The universe of the survey comprises 3,206,527 Ukrainian nationals aged above 16 and older (apart from occupied territories of Donetsk and Luhansk regions, Autonomous Republic of Crimea)¹. The scope of the sample comprises 3000 respondents. The sample is stratified by macro-regions of Ukraine (the West, the Centre, the East, the South). The macro-regions are represented by 10 randomised regions – regions of Donetsk, Ivano-Frankivsk, Kyiv, Luhansk, Lviv, Odesa, Rivne, Kharkiv, Kherson, Cherkasy (Figure 1).

Figure 1. Regions of Ukraine where a survey took place



¹ The data drawn from the database of the State Service of Statistics of Ukraine 2017: database.ukrcensus.gov.ua/MULT/Dialog/statfile.asp?

In each macro-region, the sample is proportionally stratified by settlement type (city, urban-type settlement, village). The survey settlements (clusters) were selected stochastically, taking into account clusters' sizes (number of dwellers in settlements) – PPS sampling. On the next phase, the starting addresses were chosen to fulfil the route selection. On the last phase, a selection of respondents by gender and age quotas was made in households, picked according to the route rules. Hence, by its design the sample is three-level, combined – random on the stage of selection of settlements and starting addresses for survey routes, with quota screening on the stage of respondents selection in households. In general, the sample represents adult population of Ukraine (aged above 16). Statistical error does not by and large exceed 2% for the data array.

ACCORDING TO THE SAMPLE, RESPONDENTS HAVE BEEN INTERVIEWED IN 100 SETTLEMENTS:

1. **KYIV REGION** (*Kyiv, Bila Tserkva, Fastiv, Boryspil, Berezan, Makariv, Kovalivka, Kopyliv, Savoyi, Rohoziv*)
2. **CHERKASY REGION** (*Cherkasy, Smila, Kaniv, Uman, Zvenyhorodka, Drabiv, Budyshche, Mezhyrich, Lehedzyne, Drabove-Bariatynske*)
3. **LVIV REGION** (*Lviv, Drohobych, Chervonohrad, Novoyavorivsk, Zolochiv, Ivano-Frankove, Kezrovychi, Stradch, Verkhni Gai, Zavyshen*)
4. **IVANO-FRANKIVSK REGION** (*Ivano-Frankivsk, Kalush, Kolomyia, Tlumach, Burshtyn, Verkhovyna, Lisnyi, Khlibychyn, Otyniia, Koniushky, Fraha, Kryvorivnia*)
5. **RIVNE REGION** (*Rivne, Dubno, Kostopil, Sarny, Korets, Volodymyrets, Koryst, Nova Liubomyrka, Velyki Tseptsevychi, Myrohoshcha*)
6. **KHARKIV REGION** (*Kharkiv, Balakliia, Lozova, Bohodukhiv, Chuhuiv, Nova Vodolaha, Yakovenkovo, Katerynivka, Pavlivka, Lypkovativka*)
7. **LUHANSK REGION** (*Sievierodonetsk, Lysychansk, Rubizhne, Kreminna, Svatove, Starobilsk, Novopskov, Chervonopopivka, Honcharivka, Pidhorivka, Rybiantseve*)
8. **DONETSK REGION** (*Kramatorsk, Sloviansk, Mariupol, Pokrovsk, Dobropillia, Nikolske, Hannivka, Hryshyne, Makedonivka, Mykolaivka*)
9. **ODESA REGION** (*Odesa, Podolsk, Rozdilna, Chornomorsk, Tatarbunary, Shyriaieve, Novoselivka, Marianivka, Petrodolynske, Delzhiler*)
10. **KHERSON REGION** (*Kherson, Nova Kakhovka, Kakhovka, Skadovsk, Hola Prystan, Velyka Oleksandrivka, Nova Dmytrivka, Malokakhovka, Novomykolaivka, Novodmytrivka*)

This research has been mathematically processed using the statistical software package SPSS (ver.13.0).

The standard procedure was employed for each survey: the research was conducted using a method of face-to-face interview. Duration of an interview was 30–50 minutes.

Preparation of interviewers: all interviewers who took part in the research have had a special training session. It was conducted by a group leader on the ground of a detailed manual, prepared by the project coordinator, making an emphasis on:

- explanation of the research goals;
- explanation of peculiarities of the research subject;
- explanation of peculiarities of respondents selection for this research;
- general recommendations as to interviewing: how to work with those who refuse to reply; work with emotional respondents;
- examination of a questionnaire with a detailed explanation of specificity of particular questions.

Each interviewer filled in a route sheet during respondents selection and interviewing, registering information about respondents, addresses of conducting survey and other important information about what happened in the field.

During the course of the survey a quality control of the field research was carried out in the following forms:

- 100 percent control of correctness of completing questionnaires;
- 100 percent analysis of interviewers' diaries in order to ensure that the respondents were selected according to the established rules;
- 10 percent selective control of the fact and fullness of conducting an interview, compliance with respondent selection method by means of a second visit to a respondent;
- 10 percent selective control of the fact and fullness of conducting an interview, compliance with respondent selection method by means of a telephone survey of a respondent;
- 100 percent logical analysis of questionnaires.

The obtained results were greatly enhanced by interviews and focus groups with target audience who played the role of experts. As such, during the research the following was conducted:

- 4 interviews with prosecutors;
- 10 interviews with policemen;
- 5 interviews with victims of police brutality and torture.

CONCLUSIONS

- ✓ Factors that influenced policing after the events of 2014 gradually weaken, while the internal reaction to violations of human rights remains unchanged. **The system which existed pre-2014 has in fact begun to revive** – the majority of those suspected of crimes against the Maidan were never convicted and punished; those who failed the attestation were restored to service. You should also add up another wave of losses in professional rank and file officers and the arrival of rookie patrolmen with no good training.
- ✓ **The outdated system for policing assessment wasn't changed**, despite statements made by the Ministry of Internal Affairs and the National Police. Nothing was done to introduce new indicators or public opinion into policing assessment – the police continue to lean on the same statistical indicators as before. The so-called “baton system” is one of the factors that have been shaping the scale of unlawful violence in the police for decades.
- ✓ **The outdated system for collection of complaints about actions of the police and investigation of violations of human rights in the police hasn't changed**. As before, the claims are evaluated, collected and investigated by the law enforcers themselves. This has a direct effect on the number of notifications: a significant number of victims of torture or abuse don't speak up fearing pressure, or go directly to the media. This also results in continuing concealment of the real scale of police violence from the reach of official statistics.
- ✓ Estimated **number of people**, who became **victims of wilful infliction of beating, suffering or torture by policemen**, throughout the last 12 months **has increased** from **409,080 persons in 2015** to **641,326 persons in 2017**. An estimated number of torture victims has also risen from **62,935 persons in 2015**, to reach roughly **96,000 persons in 2017**. The State has the reverse trends after certain portion of positive change in 2014, marked by diminution in numbers of victims of police torture and brutality. As a matter of fact, we got back to the same level of violence like 7 years ago.
- ✓ The expert assessment indicates, alas, that the **neglect of important aspects of activities while implementing the New Patrol Police project** (lack of legal definition, deficiency in training and equipment; violation of rights of patrolmen as such; obsession with indicators; lack of appropriate mechanism for collection and investigation of complaints) gradually **leads to replication of abuse practices and patterns**, which the old patrol police was known for.

- ✓ **The public opinion reacts to the rise in police violence with a certain time lag** – less respondents than before point out that “use of violence, beatings, torture, intimidation at the national level is more or less spread” (32.3%).
- ✓ **The spectrum of opinions the Ukrainians have about likelihood for somebody to fall victim of police abuse, has barely changed.** Like 13 years ago, the majority of respondents still hold that no one is safe from police violence (44.7%). Those “who offend the police” (26.3%), are “professional criminals” (26.3%) or those “who committed any crime” (26.4%) first fall into the risk group.
- ✓ **Of all the authorities which the victims of police abuse are going to contact, there remain the prosecution** (45.1%) and different entities within the police (39.7%). The victims will seek the human rights commissioner of the Verkhovna Rada of Ukraine as a last resort (5.8%).
- ✓ The **continuous increase in numbers of Ukrainians who tolerate police violence** is a dangerous trend. Almost every fourth Ukrainian (24.4%) accepts in one way or another the eventuality of police use of unlawful violence or even torture. Unlawful violence is still more acceptable “*for the sake of solving especially serious crimes*”, “*thwarting terror acts*” and “*as a form of punishment and vengeance upon rapists, murderers*”.
- ✓ Like in the past years, the citizens largely distinguish **three key factors affecting the spread of routine beatings, humiliation and torture in policing: impunity of police officers** who employ illicit methods in their work (43.5%); **ill recruitment of personnel** which leads to hiring people with propensity for sadism to be part of police forces (34.7%), and a **low level of professionalism and culture** of police officers (30.5%).
- ✓ When asked about what should be done **to prevent unlawful violence in the police**, the respondents call on **sterner punishment** for instances of unjustified violence (46% of responses); **improvement of selection** of candidates for positions in the police (35%); improvement of training of policemen (34%) and **more effective control** over subordinates by their commandment (32%). **Changing the performance indicators system** in the police remains to be an important factor which might improve the situation, in the public opinion (18%).

RECOMMENDATIONS

A NEW INDEPENDENT AND OBJECTIVE SYSTEM FOR COLLECTION AND DETECTION OF COMPLAINTS AND NOTIFICATIONS ABOUT UNLAWFUL VIOLENCE IN THE POLICE MUST BE ESTABLISHED.

The Ministry of Internal Affairs and the National Police ought to commence implementation of paragraph 18 of the Strategy of development of internal affairs bodies (approved by the decree of the Cabinet of Ministers of Ukraine No. 1118-r from 22/10/2014) “Engagement of the public in investigations of instances of police brutality”. All reports of police brutality must be detected as crimes, rather than professional misconduct. Independent system for collection and detection of complaints about force’s actions, engaging the public’s and media resources, will make it possible to overcome the existent malpractice in the police.

THE STATE OUGHT TO ABIDE BY THE LEGAL NORMS AND ENSURE THAT THREE KEY INHIBITORS TO UNLAWFUL VIOLENCE STAY EFFECTIVE.

This means that all state bodies and institutions – from the police to courts – must invest their efforts in achieving certain standards of criminal procedure: all detentions must be registered in time and be made in strict accordance with the law; all detainees must be informed in time about their rights and be given a possibility to notify the third party about their detention, they must be given a chance to communicate with a lawyer before the first interrogation and have free access to a doctor of their choosing.

AN OUTDATED SYSTEM OF POLICING ASSESSMENT MUST BE CHANGED.

The State must comply with provisions of the Law of Ukraine “On the National Police” and establish a functioning system for policing assessment with help of public opinion. We must get rid of the “baton system”, as it is an important factor affecting the scale of unlawful violence in the police.

THE STATE AND THE SOCIETY MUST STRIVE TO DECREASE TOLERANCE OF TORTURE AND ABUSE IN THE POLICE.

Growing tolerance to such disagreeable things, noticeable in the society over the last few years, is a dangerous precursor to further spread of abuse. This calls on the State to develop and implement state programmes with the aim of promoting human rights and civil rights, along with European approaches in security issues.



AN ACTIVE SYSTEM FOR PROTECTING THE RIGHTS OF POLICEMEN MUST BE PUT IN PLACE.

In order to protect civil rights, a policeman must be protected himself. Such issues as fair overtime payments, life and health insurance, meeting routine working needs, legal support – must be addressed in full. Plus, the State should introduce a fair and transparent system for designations and labour remuneration. A policeman must be guaranteed opportunity to get professional training and further learning. Pension scheme must stimulate fair work and provide motivation. The State must endorse the development of truly independent professional unions and policemen associations that will stand for their rights.



THE SYSTEM FOR PROFESSIONAL TRAINING OF POLICEMEN MUST BE UTTERLY CHANGED.

There must be one educational course on human rights for all educational establishments and for the professional training system of police forces. Apart from one general course on human rights, law enforcers during their training should have specialised courses or topics which would disclose the concept and practical aspects of ensuring human rights and freedoms in policing when performing concrete assignments in the fight against the crime and maintenance of public order.

SECTION 1

RESULTS OF SOCIAL RESEARCH

1.1 Police performance: assessment by the population

The declarations made by the Ministry of Internal Affairs held that the old “stern” system for policing performance assessment has died out, seemingly being a sign of change in one of the most important directions of reform. This was proclaimed in the spring of 2015 by Eka Zguladze, the then deputy Minister of Internal Affairs, who was in fact hired to push the reforms. It was her and her team who made up draft laws on patrol police and on the National Police.

□ *“The draft law has many novelties not only for Ukraine’s legal environment but for that of many European countries. With this law we engaged the public to the maximum. We prescribed the way for the public to monitor the police and the way for the police to be accountable to the people”*

From the interview of deputy Minister of Internal Affairs Eka Zguladze to Ukrayinska Pravda, April 2015²

Similar declarations and actions were equally made by the Minister of Internal Affairs almost right after the launch of the patrol police.


□ *“Now we reload everything. The police! Out with archaisms of post-Soviet militia system! In order to implement a European model of police assessment I cancelled all 86 mandatory performance indicators by my today’s order. A brand new performance assessment model will be in place for the policing, based on the people’s trust towards the police. Performance of officers of the National Police shall be measured by four criteria: 1) results of external survey; 2) policing performance assessment given by business circles; 3) results of internal survey; 4) results of doing top priority tasks. “This is the right thing to do! – and no more batons, ticks and planned indicators of numbers of pickpockets and pilferers!”*

The minister of internal affairs, Arsen Avakov, November 2015³

² <http://www.pravda.com.ua/rus/articles/2015/04/23/7065637>

³ <https://www.unian.net/society/1183122-avakov-otmenil-86-pokazateley-effektivnosti-raboty-pravoohraniteley.html>


The law, passed afterwards, did in fact contain a number of provisions revolutionary for domestic law enforcement system, in particular on police performance measurement system. Take Article 11 “Interaction with population on the partnership basis” for example, which says: **“Level of people’s trust enjoyed by the police is the main criterion of performance measurement that could be applied to police forces and divisions”** and “The level of trust the population places in the police is measured by independent sociological services according to the procedure defined by the Cabinet of Ministers of Ukraine”. If those provisions had found their way to implementation within the period of two years from the day the reform started, they could have revolutionised the system and define a further direction of reforms. It was the outdated police performance measurement system (the so-called stern system, or the indicators), which, according to a number of studies, largely shaped the closedness of the police, the spread of abuse therein and weak police–community relations. But, unfortunately, this never happened.

 *There’s no systemic work, no overall picture of what goes on in the neighbourhood. I mean, who must do the job, whether the senior command, or people who monitor the situation, it’s not there. There’s no live analytics, to let them view a street right now, what is going on and where, where more, where less, where to reinforce, where to call off. Calls analytics are missing. We get calls, a lot, from the retarded people, they call on whatever possible reason.*

From the interview with a police officer

While the Ministry of Internal Affairs, the National Police and their proxies used carefully selected data of different sociology studies to highlight success of reforms on several occasions, an independent performance measurement system for the police is yet to be devised. Today, in 2017, we still don’t have neither procedure for selecting organisations to conduct a national measurement, nor agreed measurement indicators. The agency is stuck in a routine fight against crime and in reforms and was bad at learning community’s opinion on effectiveness, ignoring its own proposition in the law on policing.

Same as before, a typical senior command on all levels still pays most of attention to statistical indicators – counts of “committed offences”, “illegal attacks”, “clear-up of crimes”, “finding”, “seizing”, “number of measures taken”, “crime-recording rates”, etc. In reality, **old performance measurement system which pushed policemen to violate civil rights has been left intact**. The changed rhetoric of the high ranks of the MIA and General Prosecution of Ukraine also proves this.

 *As reported by a UNIAN correspondent, the general prosecutor Yuriy Lutsenko described during meeting in his office “the situation with clear-up of crimes: in 2013 45 per cent of all the body of recorded crimes were solved, in 2014 – 44%, in 2015 – 39%. As a whole, that’s okay. This corresponds to the European norm – around 40%. But in*

the previous year – less than 30% of the body of crimes. If we look at the especially serious, the picture is even worse. You can't demonstrate effectiveness and openness of the prosecution with such indicators, dear local prosecutors", said Lutsenko.

Lutsenko also noted that the "complicated" regions, in particular those of Kyiv, Kharkiv, Odesa and Zaporizhia, have the lowest clear-up rates.

February 2017, as reported in the media⁴



"I have at hand the statistics of fighting crime for 9 months of 2017 – the law enforcers managed to detect more crimes by 25.6%. With all present-day difficulties, we have the positive dynamics", said Arsen Avakov. The Minister said that in comparison to 2016 the crime rate dropped from 491,097 to 419,777, i.e. by 14.5%. The Minister informed that in September alone policemen detected 21,552 cases.

From the communiques of the Minister of Internal Affairs Arsen Avakov, October 2017⁵

Regrettably, the problem goes beyond insufficient amount of national studies on police performance measurement. The most appalling part of the problem is that the police senior command in Kyiv and on a territorial level don't recognise the value of sociological data reflecting popular views, and, therefore, of popular opinion on police performance. An honest picture of crime and relationships with communities are of no interest to the police chiefs, and the indicators system is only used for total control over internal procedures and for management purposes. Thus, the system continues to operate in a closed mode, relying only on highly untrustworthy internal stats, and neglecting people's opinion. This leads to error in situation assessment, wrong policing priorities, and lack of trust between people and the police. It's the trust which is the main criterion of success of the police, as the law dictates.



In general, the public must be engaged, as organisations, we must cooperate. We must combine efforts, we share this city, we all live here. I don't understand Road Control activists, they highlight some drawbacks the patrolmen have, but it is not what they should do. We must work on this together. We should send all those drawbacks to our state bodies which are in charge of planning, road traffic and all other things rather than "bark up".

From the interview with a police officer

⁴ <https://www.unian.net/incidents/1779117-lutsenko-o-situatsii-s-raskryvaemostyu-prestupleniy-v-slojnyih-oblastyah-naimenshie-pokazateli.html>

⁵ http://mvs.gov.ua/ua/news/10528_Arsen_Avakov_Riven_rozkrittia_zlochyniv_zbilshivsya_na_25__mamo_pozitivnu_dinamiku_INFOGRAFIKA_.htm

That is why to the forefront of our research we placed the study of public opinion about people’s appreciation of efforts made by the national police in maintaining security in the whole country, and on a regional level. It’s worth mentioning that the research results highlight a certain positive trend in the regard the Ukrainians have toward the policing: 41.0% of Ukrainians think that the police is effective at doing their job (32.6% of whom – that the police are rather effective, and 7.4% – that they are effective). This is a positive shift, because two years ago only every fifth citizen called the policing effective (19.4%) (Figure 1.1.1).

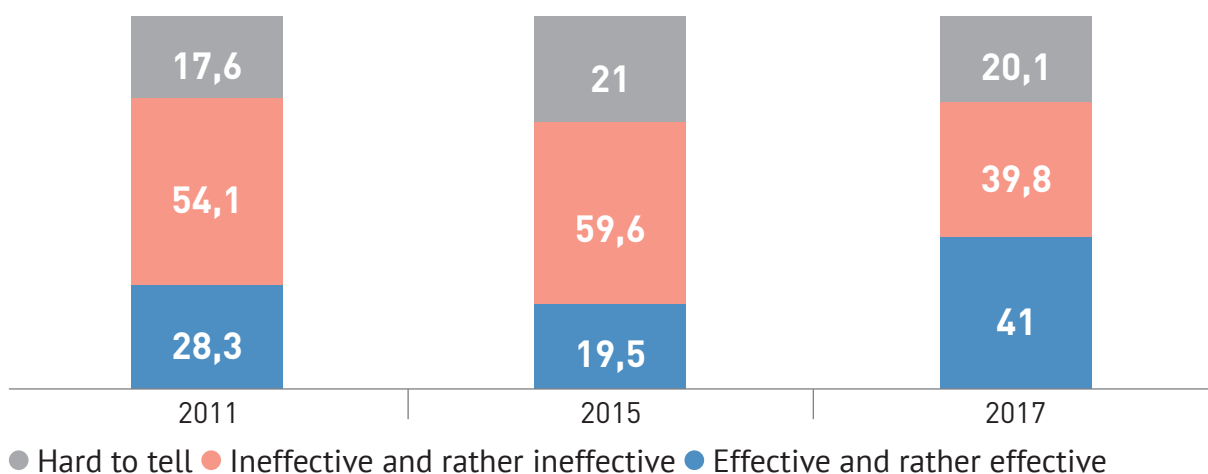


Figure 1.1.1. Ukrainian police performance measurement in the eyes of the public (*comparison of surveys done in 2011, 2015 and 2017; as the percentage of those who responded*)

Performance measurement for local police isn’t significantly different from that for the police at the national level – the same dynamics are observed for two years. The majority of respondents regard policing as effective (42.2%), though the number of dissatisfied is critically high (38.0%) (Figure 1.1.2).

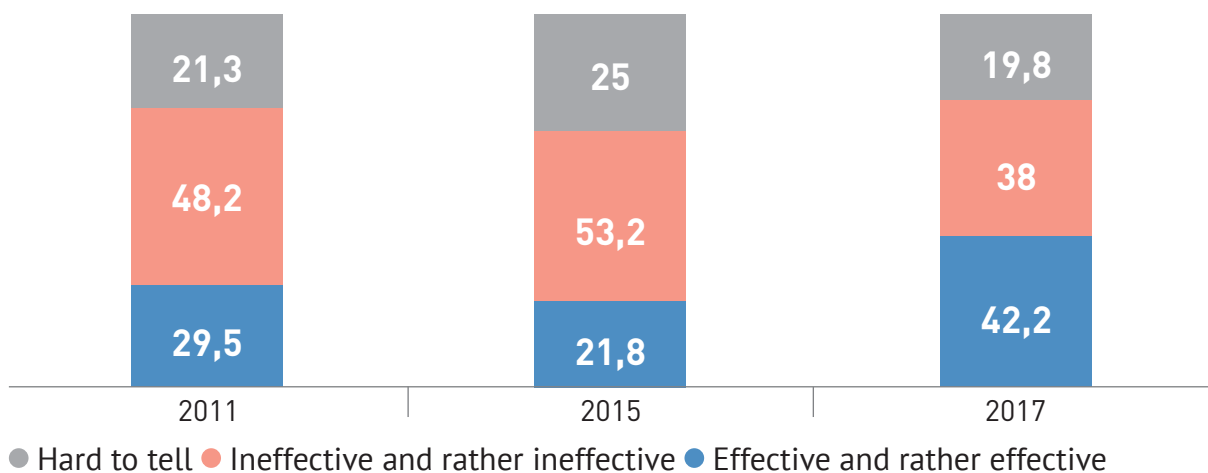


Figure 1.1.2. Local police performance measurement in the eyes of the public (*comparison of surveys done in 2011, 2015 and 2017; as the percentage of those who responded*)

Remarkably, performance measurement in 2015 varied significantly in settlements of different size, the trend slightly changed in 2017.

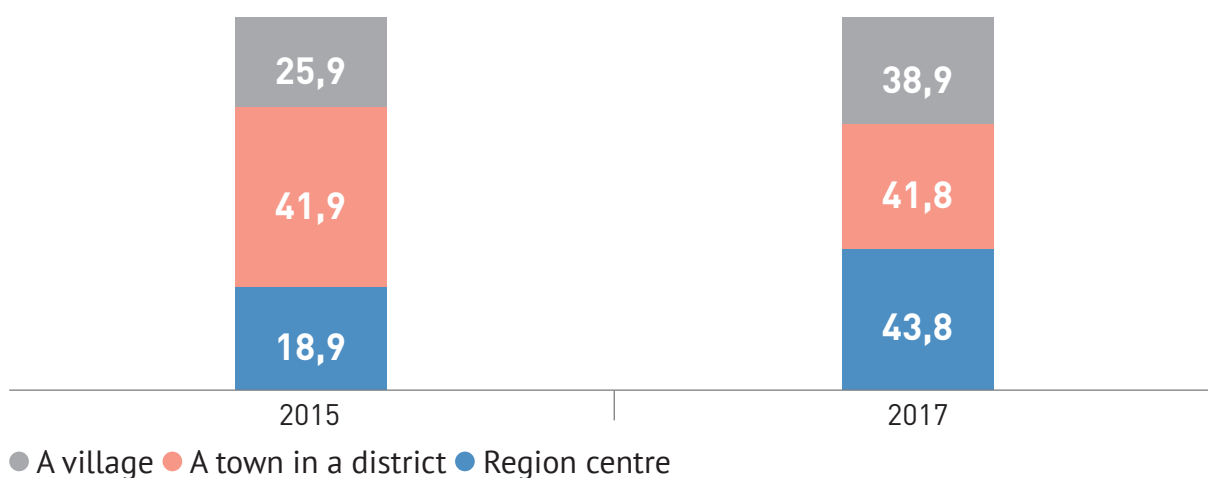


Figure 1.1.3. Local police performance measurement in the eyes of the dwellers of settlements of various types (comparison of surveys done in 2015 and 2017; as the percentage of those who responded)

In 2015, it was village dwellers who praised the police the most, while dwellers of administrative centres of regions did so the least. The explanation here lies in a lack of gap, related to distance or to communication, between the police and the community in small settlements. In large cities the police, version 2015, tried to drive contacts with population to a minimum, which of course reflected on performance measurement. After launch of patrol police, the number of contacts grew, people started to see patrol cars on the streets and talk to policemen more often, and this gradually led to improvement in policing performance measurement in oblast centres, where patrolmen are many. But there is still a big distance between the police and citizens which of course doesn't endorse security or interaction (Figure 1.1.3).

□ *There's a man sitting on the road, he can't talk, he's drunk as hell. People are aware of that and our every action is being observed by a bunch of eyewitnesses. And here they are – all those people, they have seen it all, but when we need a witness to prepare a form they say “No, no, we don't need that”. The same people would come home and write about inactivity of the police on online fora. I don't quite understand this, it's wrong, it's not sane. But some citizens are our sole support when we have to face all that stuff. Tons of negativity falling on you. There's a few who will say: “Lads, thank you! You really helped, you do the right thing”. The people who figured out that we are the blood of this town, we react to its scourges and head wherever we are needed at the moment.*

From the interview with a patrol policeman

1.2 Assessment of scale of unlawful violence in the police of ukraine in 2017

Two years have passed since our last research on the spread of unlawful violence in the police, and the system of internal affairs bodies has somewhat changed. It had been claimed that the reform launched in 2015 would eventually disband the State Traffic Inspectorate, the Department of Fight against Organised Crime and the *Berkut* force; renounce policing indicators, make “brand new patrol police” roll out onto the streets. Along with what the reform promised, the internal affairs bodies were significantly centralised and the Ministry welcomed previously independent agencies, such as the National Guard, the State Migration Service, the State Border Control Service, the State Emergency Measures Service, which all became its parts. The National Police was granted more independence within the Ministry of Internal Affairs, and its officers and staff underwent several series of lustration and attestation. However, some factors which account for the pervasiveness of police brutality, remain untouched, among them the extremely important system of collection and analysis of complaints over policemen’s actions, and the system of legitimacy status assessment in the police.

As before, the complaints are filed whether with the police itself for subsequent evaluation, or with the prosecution which channels them down to the police. Hence, the data are evaluated, collected and processed by the police forces themselves. As was repeatedly mentioned in our research papers⁶, such system may barely be viewed as effective. Furthermore, same as pre-2015, ineffective and closed nature of the system affects the numbers of such notifications – victims of torture or abuse often refuse to complain at all in fear of pressure, or do bring their story to the media. This also results in ongoing concealment of the real scale of police violence from the reach of official statistics. Thus, after two years since the start of the police reform a social survey remains the only instrument to uncover the real scale of such a latent phenomenon as unlawful violence in the police of Ukraine.

Applying our long-established monitoring tools to a research, we customarily assessed the number of people who personally became victims to unlawful violence by policemen in 2017. We discovered 105 such instances in the period of 2004–2009 (3.5%); 34 instances in 2010 (2.1%); 78 instances in 2011 (2.6%); 24 instances in 2015 (1.3%) and **59 instances in 2017 (2.0%)**.

The research shows that the number of citizens who think that police use of unlawful violence, beatings, torture, intimidation on a national level is more or less pervasive, has significantly diminished – to 32.3% (Figure 1.2.1). The number of people who are undecided in regard to this question has diminished to 27.9%. Nonetheless, the proportion of those who deny that the police uses unlawful violence has increased to 39.7%. It’s safe to say that the monitoring shows that in spite of more instances of abuse, the perception of the scale of unlawful violence has decreased even more over the two years.

⁶ <http://www.khisr.kharkov.ua/index.php?id=1444999354>

Assessment of popular opinion on the scale and pervasiveness of unlawful violence in the local police yields slightly different figures. The respondents had a hard time giving an unequivocal response, and the number of respondents who oscillate in regard to their belief about use or non use of illegal working methods by the local police rose significantly to 48.3% (Figure 1.2.2). 22.7% think that such instances occur one way or another, and 29% are sure that the local police abstain from inflicting abuse and torture.

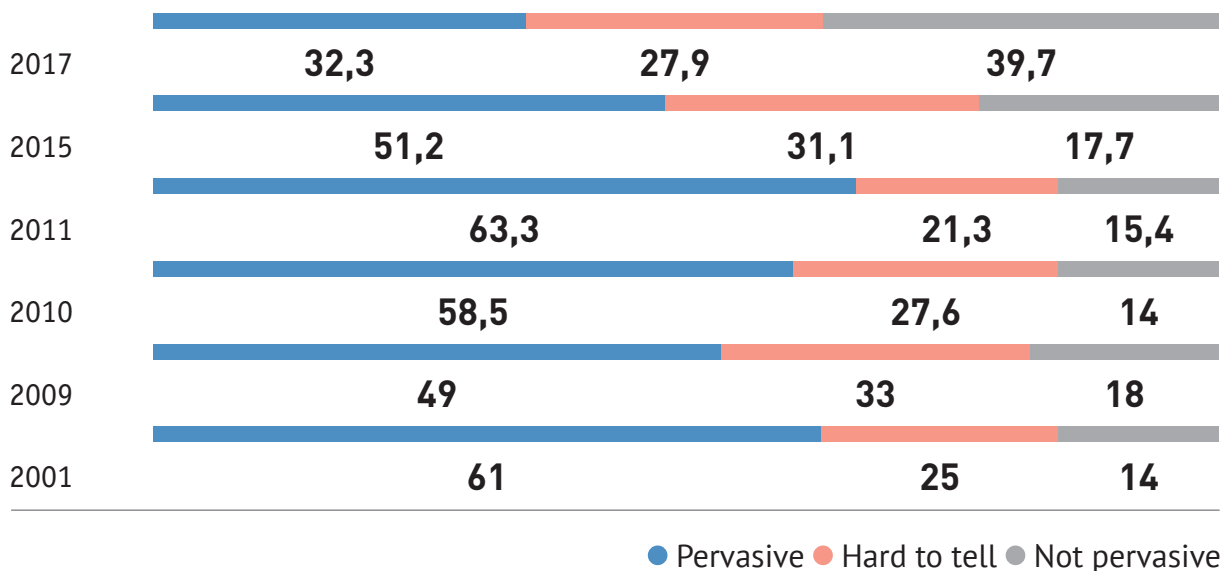


Figure 1.2.1. Distribution of responses to the question: “To which degree is, in your opinion, the infliction of unlawful violence (beatings, torture) by the Ukrainian policemen pervasive at the present time?” (as percentage of those who replied)

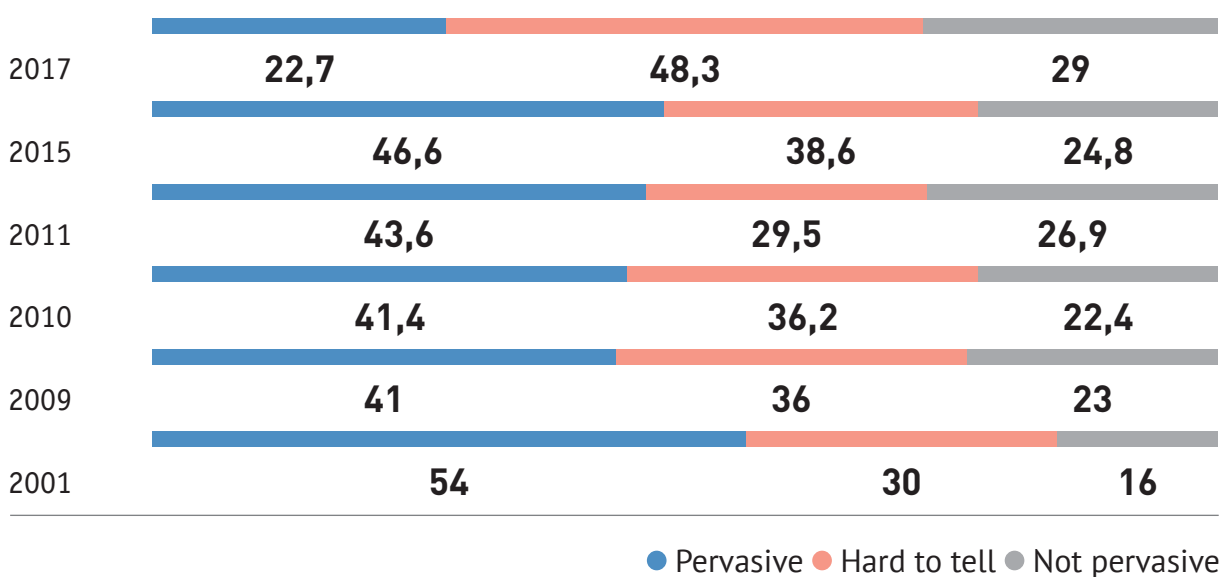


Figure 1.2.2. Distribution of responses to the question: “To which degree is, in your opinion, the infliction of unlawful violence (beatings, torture) by your local policemen pervasive at the present time?” (as percentage of those who replied)

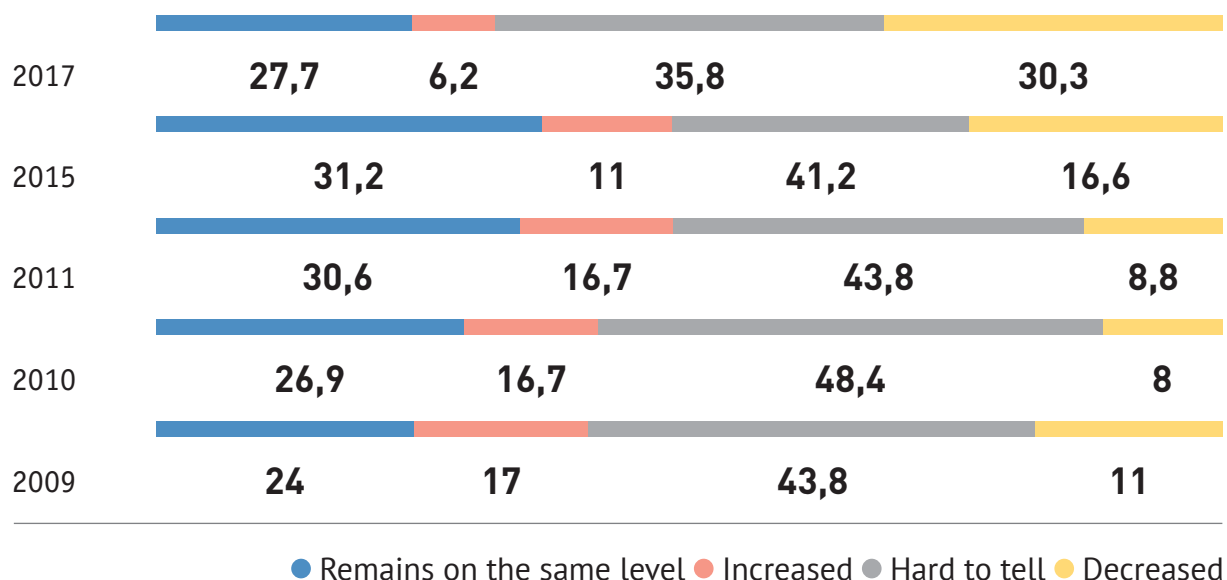


Figure 1.2.3. Distribution of responses to the question: “How much has the situation with unlawful violence changed in the police over the last 12 months?” (as percentage of those who replied)

The research data mark a notable drift in respondents’ perception of the exposed symptoms of unlawful violence in the police for the last year. The undecided people amount to 35.8%, which means that the majority has a take on this issue (Figure 1.2.3). The number of those who think that the situation hasn’t changed in any way has slightly dropped (27.7%). Remarkably enough, the third year in a row there’s a clear trend of increase in the number of those who think that the police abuse has reduced (30.3%). It is a sign of positive change in people’s perception of the police. But is there grounds underneath, or is this merely a notion instilled by the broadcasting and social media who acclaimed and followed “the victory” of the police reform as allegedly “the most successful” or “the only reform”?

The research data showed that **the number** of respondents who fell victim to wilful infliction of beating, **suffering or torture** by policemen **increased** from 1.3% (in 2015) to **2.0% (in 2017)** during the last 12 months. Hence we have reverse trends after certain positive changes in 2011, when numbers of victims of police torture and brutality diminished.

It must be kept in mind that **unlawful violence in the police, as before, remains tremendously latent phenomenon** – most victims not only hide such facts, but even fear to talk about that with interviewers. Nevertheless, **the results of monitoring in 2017 mark the increase in instances of beating, inflicting of physical harm during detention**. And, while 15 such facts were discovered in the research in 2015, in 2017 the figure rose to 44. As a matter of fact, we got back to the same level like 7 years ago (Table 1.2.2).

□ Usually this involves using excessive force during detention, a person is laid down on the ground in handcuffs, he doesn't move but a few kicks for him is fine.

From the interview with a patrol policeman

In order to assess the scale and dynamics of unlawful violence in the police, we usually calculate an estimated number of the aggrieved persons. Same as during assessments in previous periods, it is done using extrapolation of research results onto the whole adult population of Ukraine. To do this, we took a percentage of the persons aggrieved by this or that sort of unlawful police violence of the overall Ukrainian adult population. As in 2015, this year we corrected the data excluding AR Crimea, non-controlled areas in Donetsk and Luhansk regions, and including the number of officially registered internal migrants from those regions (the overall number of adult population – 32,065,277 persons according to the data of the State Committee of Statistics). Thus, we received estimates of the scale of unlawful violence in the police on the territories not affected by occupation (Table 1.2.1–1.2.5).

The previous monitoring (2015) showed that the estimated number of victims amounted to around 409,080, half as much as in 2011. However, in 2017 the research found that 2.0% citizens of the overall number personally became victims of police abuse (over the period of 12 months). This allows us to say that ***the estimated number of the aggrieved persons amounts to 641,326 persons.***

Table 1.2.1. Estimated number of victims of unlawful physical violence in the police of Ukraine over the period of 2004–2017.

Year	Number of victims (%)	Estimated number of aggrieved persons
2004	2,73	1026 616
2004–2009	3,50	1 319 500
2010	2,10	791700
2011	2,60	980200
2015	1,30	409080
2017	2,0	641326

Table 1.2.2. Estimated number of victims of beatings, infliction of physical harm *during* detention by the police over the period 2004–2017.

Year	Number of victims (%)	Estimated number of aggrieved persons
2004	2,73	1026 616
2004–2009	1,6	604433
2010	1,3	491102
2011	1,6	604433
2015	0,5	157338
2017	1,5	480979

It should be mentioned that the estimated number of victims of beatings, physical harm during investigation has significantly increased to reach 384,783 persons (Table 1.2.3).

Table 1.2.3. Estimated number of victims of beatings, infliction of physical harm *during investigation* by the police over the period 2004–2017.

Year	Number of victims (%)	Estimated number of aggrieved persons
2004	0,94	355293
2004–2009	1,3	491102
2010	0,9	330300
2011	0,8	293600
2015	0,6	188806
2017	1,2	384783

Same trend reflected on the estimated number of persons who fell victim to torture during investigation (Table 1.2.4). According to the data, in 2015 the estimated number of those who faced torture during investigation, diminished from 113,000 to 63,000. But for 2017 we see the picture similar to 2011, when the number of victims of torture also significantly dropped but then rose again. Therefore, 96,000 Ukrainians now fall victim to torture during investigation each year.

Table 1.2.4. Estimated number of victims of torture *during investigation* in the police of Ukraine over the period 2004–2017.

Year	Number of victims (%)	Estimated number of aggrieved persons
2004	0,25	93498
2004–2009	0,3	113331
2010	0,2	75400
2011	0,3	113331
2015	0,2	62935
2017	0,3	96195

Alas, physical abuse is still accompanied or replaced by psychological one. Blackmail, intimidation, threats posed to victim and relatives, insults, humiliation are still part of police work and have significantly spread over a year (Table 1.2.5).

Table 1.2.5. Estimated number of victims of *psychological abuse* in the police of Ukraine over the period of 2004–2015.


Year	Number of victims (as the percentage and the estimated number)		
	Blackmail	Intimidation, threats, in particular concerning family and friends	Treatment that undermines human dignity
2004	0,7% (261795)	1,29% (486191)	0,6% (523590)
2004–2009	1,1% (415547)	1,7% (642210)	1,9% (717764)
2010	0,6% (226200)	0,6% (226200)	0,3% (113100)
2011	1,1% (415547)	1,4% (527800)	1,6% (603200)
2015	0,4% (125870)	0,2% (62935)	0,3% (94403)
2017	0,3% (96195)	0,5% (160326)	0,8% (256522)

A notable achievement of the Ministry of Internal Affairs and the National Police in the period since 2015 is better control over activities of their divisions in the ATO zone. The activities of police divisions and battalions on the front line or in the settlements along the separation line were isolated from the activities of criminal justice system for a long time – judicial and prosecution supervision was simply absent. This led to adoption of some practices of unlawful violence. Unlawful detention on the grounds of unproven information or hearsays was common. These detentions were conducted without control of the prosecution and court, and respectively without any guarantees of upholding human rights. The detainees were often beaten and tortured, and their fate depended solely on those who held them. Besides, persons detained outside legal procedure were put in places with overtly inhumane conditions of incarceration.

Our research from 2015 emphasized the pervasiveness of such practices and pointed out that the real level of unlawful violence which happened in the ATO zone can't be assessed. Additional latency-favouring factors included divisions' independence and different lines of command, anonymity of many officials, rotations and re-stationing, victims' fear to report facts of abuse and unavailability of reporting channels.

Over the period of 2015–2016, the Ministry of Internal Affairs, the National Police and the General Prosecution of Ukraine took great effort to organise activities of volunteer battalions and other divisions working in ATO. Of course, the media only highlighted high-profile investigations (like the one against the Tornado battalion fighters), while a significant amount of work was done discreetly, and the details of investigation of complaints and misdemeanours weren't disclosed, but in general this led to a certain decrease in violence from the MIA employees in the area of hostilities.

At the same time, there's a large number of policemen and national guardsmen in Donetsk and Luhansk regions. In view of the number of checkpoints and the outdated system for collecting complaints over police actions and for reacting to them, unlawful violence is still a common thing in the region.

 *In Luhansk oblast we have the police at the checkpoints in the heartland territory not bordering on the front line. They usually check passports, somehow connect to the computer and so forth. And one day they take my mother's passport for a check. They took everyone's passport for a check but then they ordered her and other 2 women, all seniors, aged above 60, to get off. She paid for a trip. She says, "Hey lads, what happened?" They reply, "You are a member of the Svit Luhanshchyny party (The Light of Luhansk region). Svit Luhanshchyny is the Plotnytskyi's party, which takes lists of residents who once lived in certain areas, takes 'em from the Housing Maintenance Offices (ZhEKs), from polyclinics, somewhere else, or lists of people who received humanitarian aid at some point. And this is no secret to anybody. No one told my mom the reason she was stopped, or what happened. One officer, 2 meters tall, started to push her, strike with a rifle. Then started to inspect her belongings, took away a*


sausage, a can of condensed milk, something else. They stood in the frost for 1 hour, then they were brought to Sievierodonetsk. She worried a lot, she has got blood pressure issue, she was trying to inform that she was transported somewhere, to ring me, but they won't let her. A police officer shouted, called names, insulted. In Sievierodonetsk, they were questioned very formally for 2 hours and then released. I rang the hot line of the National Police, left a complaint and in around a fortnight they started to visit me. I told them how he looked like, his approximate age, his working shift, and the exact timing of the happening. The next day they come to me and say: "You penned a complaint, but he is not from our department, he is from Poltava, on a tour". They came and said they would "punish him", and you should write down that we "did the job". Just write that you don't have claims. So, I signed. Afterwards, it was all covered up, nobody was penalised.

From the interview with a victim to unlawful violence

Several factors led to a certain decrease in all kinds of unlawful violence in the police in the country (excluding Donetsk and Luhansk regions) in 2015, among them three the most influential⁷:

1. Adoption of the new Criminal Procedure Code.
2. Establishment of a new, more effective system for provision of free legal aid.
3. Post-Maidan fears of the stir caused by unlawful actions.


It is noteworthy that two years ago when all kinds of attestations and lustrations were over, and the society lost some of its interest to crimes committed by policemen, the third factor, which the experts called the most influential in terms of decrease in unlawful police violence, began to wear off ("Fears of the stir caused by unlawful actions"). **The system which existed pre-2014 has in fact began to restore** – the majority of those suspected of crimes against the Maidan were never convicted and punished; those who failed the attestation were restored to service; indicators were back into the performance measurement; system for complaints about police actions wasn't changed. You should also add up recent losses in professional rank and file officers and the arrival of rookie patrolmen with no good training.

 *They recount that without shame. Of course, no one tells that "they pressed a businessman", "compelled to give money". Usually – a person is not okay with something, well, we, like, convinced him, kicked him on the liver in the district station. Like, you know, they talk about that as a joke, a funny tale. A funny story from work. Something like that.*

From the interview with a prosecutor


⁷ <http://www.khisr.kharkov.ua/index.php?id=1463407866>

Besides, these things started to reflect on other drivers of decrease in unlawful police violence – for example, on access to free legal aid, which is practically the most important inhibitor of torture and abuse.

 *Usually they write in the reports that a person was invited to come to a district police station to write a claim, or for identification. As if a person agreed and he/she was simply given a ride.*

From the interview with a patrol policeman

According to the data of the Coordination Centre for Legal Aid, employees of regional centres found **3805** instances of violation by law enforcers of requirements of Criminal Procedure legislation and the Informing Procedure. Which means that the police officers didn't inform lawyers about every tenth detention.

 *“On 28 October 2017 in Kyiv the police raided the Jugendhub institution hosting a music event, and detained the hub visitors, sending them to the police station and the military recruiting office. The same-day post on the official website of the Main department of the National Police in Kyiv said that “as a result of the search 17 persons were detained, and the narcotics were seized. After medical examination, the detainees were brought to Shevchenkivskyi Police Dept. of the Main Dept. of NP in Kyiv for the procedural acts” and “the investigation unit of Shevchenkivskyi Police Dept. of Main Dept. of NP in Kyiv commenced a criminal proceeding on charges prescribed in the Criminal Code of Ukraine, Article 317, Part 1.” But neither on that day nor afterwards did the police force which performed the detention manage to send a notification to the Regional Centre for Provision of Free Legal Aid in Kyiv – even after respective requests would be submitted by its employees to the Main Dept. of the National Police in Kyiv and to the Human Rights Department of the National Police demanding to confirm or refute information about the fact of detention of such persons”.*


From the communique of the Coordination Centre for Provision of Legal Aid⁸

It is noteworthy that in 2016 there was a rise in the number of instances of failure to comply with requirements of laws on criminal procedure and the Informing Procedure, discovered by regional centres, by employees of law enforcement agencies, and the reaction of the National Police to the grievances by lawyers becomes more and more formal. The analysis of replies received by regional centres from main departments of NP in regions and the city of Kyiv, done by the employees of the Centre for Legal Aid, showed that “the majority of them have strictly formal nature, without providing detail on disciplinary measures taken towards the guilty persons”, and a significant part of submissions describing


⁸ <http://legallaid.gov.ua/ua/holovna/2130-koordinatsiinyi-tsentr-zaklykaie-natspolitsiiu-dotrymuvaty-prava-zatrymanykh-na-zakhyst>

concrete instances of violations of requirements of the Criminal Procedure Code and of the Informing Policy, done by policemen, “were left without response, notwithstanding repeated letters sent by certain regional centres”⁹.

Moreover, there are certain internal issues in the system for provision of free legal aid – a project, operating for 5 years, falters in some locations, even large cities. The patrolmen note that it’s not a rare thing to see lawyers and centres’ employees work reluctantly. As in examples above, the result is always a large part of detainees left without legal aid.

 *He is entitled to ring his family, to have a lawyer. The state provides free lawyers. But in practice they won’t come, people can ring ‘em and they will tell, I can advise and that’s all. For all the time I work here, only once came a lawyer, as it was not very late. Otherwise, after 18.00, 20.00 there is an on-call person, he is at home, with his children, when a drunk gets detained at 2 o’clock in the night. We haven’t made it yet to the civilised European law. Our people are irresponsible, the lawyers, the policemen.*

From the interview with a police officer

 *Introduction of free initial legal aid had no effect, it’s not working. People come and get bounced, the data are gathered, to report in the court, to write off money. Besides, a problem with lawyers. They must file motions, represent interests, provide legal aid, instead they fabricate working hours, ‘cause they get the reward against the number of clients, composition of documents, and participation in courts. For the many, this is just an excuse to get legal practice.*

From the interview with a prosecutor

In the meantime, in 2017 we got a mixture of ingredients which fostered a certain level of violence in the Ukrainian militia for years, and this has gradually began to reflect on policing and residents’ experience. This process won’t stop unless respective measures are undertaken, otherwise unlawful violence will hit a new high in this country.

⁹ <http://legalaid.gov.ua/ua/component/content/article/142-novynty/liutyi-2017/1939-3-805-faktiv-porushen-pravookhorontsiamy-kpk-ta-informuvannia-tsentriv-z-nadannia-bvpd-uzahalnenyi-analiz-2016-roku>

1.3 Assessment of fears of unlawful violence in the police

Two years after the start of the reform the society still follows each extraordinary incident involving the police with genuine attention. Naturally, the figures representing instances of police violence, which became known to the public, are incomparable with what happened in 2013–2014. But this doesn't mean that the unlawful violence disappeared or changed drastically. But what about Ukrainians' view on peril of falling victim to unlawful violence in the police? Has it changed? We studied this question in our research.

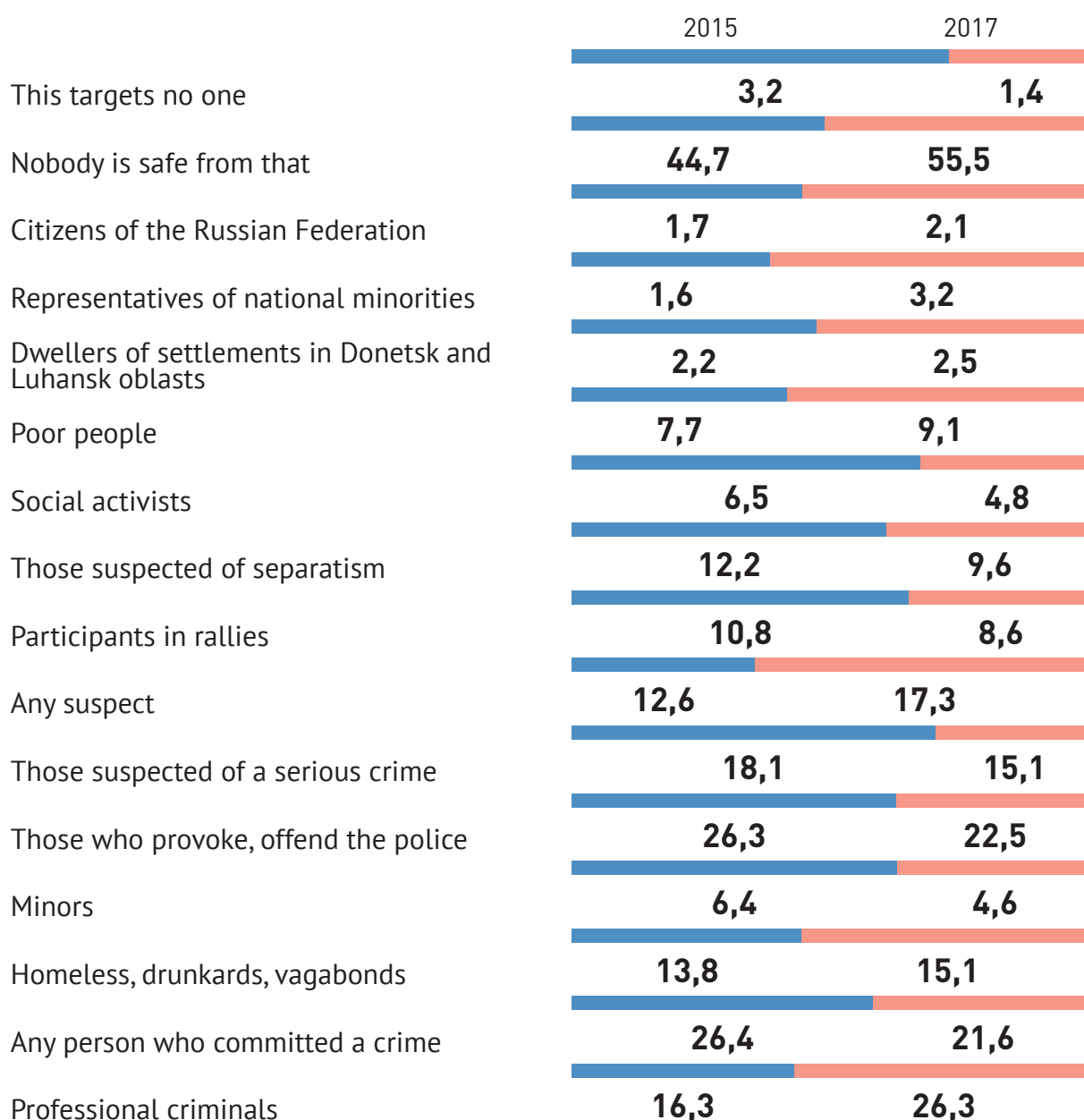
That the number of Ukrainians holding the opinion that unlawful violence in the police *doesn't target anyone* has slightly grown up to 3.2% is a certain positive shift. Conversely, before 2015 this indicator gradually fell year after year. For comparison – in 2009 this view was shared by 2.5% of respondents, and in 2010 – by 1.8% (Table 1.3.1).

But at the same time this doesn't mirror the whole picture. ***Like 13 years ago, the majority of respondents still maintain that no one is safe from police violence.*** This indicator amounted to 44.7% in 2017, equally subject to gradual decrease several years in a row. In 2009, 61.6% of respondents appreciated that any person may be a victim of police arbitrariness. In 2010, their numbers rose to 66.1%, then started to gradually decline since 2011 (60.7%) to reach 55.5% of respondents in 2015 (Table 1.3.1).

Table 1.3.1. Respondents' opinion on likelihood of confronting unlawful violence in the police by representatives of different groups (%)

Category	2009	2010	2011	2015	2017
Only professional criminals, repeat offenders	13,2	12,4	13,5	16,3	26,3
Any person who committed a crime	16,9	13,9	21,6	21,6	26,4
Homeless, drunkards, vagabonds	12,2	9,8	16,7	15,1	13,8
Minors	4,5	5,0	7,9	4,6	6,4
Those who provoke, offend police officers	16,8	20,8	27,8	22,5	26,3
Persons suspected of committing a serious crime	10,8	11,8	15,5	15,1	18,1
Any suspect	12,0	13,1	19,5	17,3	12,6
Foreigners	1,6	1,8	2,1	–	12,2
Participants of rallies	–	–	–	8,6	10,8
Those suspected of separatism	–	–	–	9,6	12,2
Social activists	–	–	–	4,8	6,5
Poor people	9,7	7,0	14,3	9,1	7,7
Dwellers of settlements in Donetsk and Luhansk regions	–	–	–	2,5	2,2
Members of national minorities	–	–	–	3,2	1,6
Citizens of the Russian Federation	–	–	–	2,1	1,7
No one is safe from that	61,6	66,1	60,7	55,5	44,7
This doesn't target anyone	2,5	1,8	1,5	1,4	3,2

Figure 1.3.1. Respondents' opinion on who may fall victim to police violence (*data of 2015–2017, as percentage*)



Generally speaking, the spectrum of opinions the Ukrainians have about likelihood of being a victim to police abuse, has barely changed (Figure 1.3.1). ***Those who offend the police (26.3%), are professional criminals (26.3%) or those who committed any crime (26.4%) first fall into the risk group.***

It's safe to say that the public opinion, as before, regards anyone as a potential victim of unlawful police violence, and even more so for those who got into the limelight of police attention.

It's our mentality – people understand better when they are barked at, a person doesn't get it otherwise, if you try to speak gently, this is the only thing where violence emerges.


Those may be victimised who are provokers, drunkards, drug addicts, or relentless people. For the bigger part, people are masochist, they indulge in this. There are types who are afraid to see us. When you stop a man, he sits, his hands shaking. I do nothing bad. From the very start he has this attitude to me. Yes, I am an authority. But I try to stay benevolent.

From the interview with police officers

The research showed that the social commotion and infuriation which were caused by events in Crimea and country's East gradually fade away. This led to suspension of "persons suspected of separatism" from the list of potential victims of unlawful violence, traditionally yielding place to suspects of crimes (Table 1.3.2).

Table 1.3.2. Victimization ratings for representatives of different groups, in public opinion

Category	2009	2010	2011	2015	2017
Only professional criminals, repeat offenders	3	4	7	4	2
Any person who committed a crime	1	2	2	2	1
Homeless, drunkards, vagabonds	4	6	4	5	4
Minors	8	8	8	10	
Those who provoke, offend police officers	2	1	1	1	2
Persons suspected of committing a serious crime	6	5	5	5	3
Any suspect	5	3	3	8	5
Poor people	7	7	6	6	8
Participants of rallies	—	—	—	9	7
Those suspected of separatism	—	—	—	3	6
Social activists	—	—	—	12	9
Dwellers of settlements in Donetsk and Luhansk regions	—	—	—	11	10
Members of national minorities	—	—	—	13	12
Citizens of the Russian Federation	—	—	—	7	11

 *The inebriated people become victims immediately, I think. And the family abuse, of course, because a policemen may think that if you beat your wife or children, then you are a wretch, and you deserve good beating yourself.*

From the interview with police officers

1.4 Help to victims of unlawful violence

Where and to whom should the aggrieved people go if they suffer unlawful violence by the police? Which agencies or institutions are perceived by citizens in 2017 as potentially the most effective in terms of protecting their rights?

We must mention that the system for investigation of instances of unlawful violence in the police is practically identical to what we had before the reforms – i.e. a victim may submit a complaint but it will be evaluated by the police itself or by the prosecution. In other words, the objectivity of the system for complaint-recording and investigation is, as before, at grave risk. At the same time, a certain rise in people's willingness to fight for their rights is noteworthy. As such, **the part of respondents who won't bring their complaints anywhere** has slightly diminished and reached 12.3% of responses (Table 1.4.1).

Speaking of acts of rights protection, the distribution of the main state agencies mostly solicited for help is unchanged. **The prosecution remains potentially the most effective agency for citizens**, hence the respondents would go there in **45.1% of instances**. Entities within the police are considered to be less effective but the number of persons who would contact them anyway has increased by almost one-third (39.70%). Since 2015, the standing of human rights advocates (22.2%) and lawyers (27.6%) as institutions which can be solicited for help has re-emerged to a certain degree. As before, almost every sixth respondent is ready to contact the media (16.7%). **Same as before, the human rights commissioner of the Verkhovna Rada of Ukraine is viewed by people as the least effective authority in terms of his weight in dealing with unlawful violence by the police**. Not many will ask for his help – 5.8%.

Table 1.4.1. Respondents' opinion on where they would go for help in the event of unlawful violence, torture or brutality by the police against them or their family *(as the percentage of responses)*

	2009	2010	2011	2015	2017
I won't contact anybody	20,0	16,0	15,8	18,3	12,3
The prosecution	38,8	43,0	41,4	41,2	45,1
The supreme bodies of the police	23,7	32,0	31,0	27,1	39,7
A lawyer	24,0	23,0	31,0	24,4	27,6
To the media	12,7	15,0	14,1	17,4	16,7
Human rights advocacy organisations	23,7	25,0	18,4	16,8	22,2
Security Service of Ukraine (SBU)	6,0	9,0	6,7	7,2	10,9
The human rights commissioner of the Verkhovna Rada	—	—	—	3,6	5,8
To the international organisations (UN, OSCE, etc.)	—	—	—	3,5	3,2

1.5 Tolerance of unlawful violence in the police



“Interviewer: Is torture or unlawful violence acceptable towards detainees and suspects at all?”

Respondent: MIt could be, if we didn't pursue an ideal of civilised society, and wanted to live in a cave”

“I don't comprehend torture, what's the point? Even the strongest break under torture. Punishment must be wreaked on a guilty person, not tortured”.

From the interview with police officers

One of the most important factors that impact pervasiveness of torture and brutality in the police is the attitude demonstrated by the society towards this matter. During the last ten years (2004–2015), intolerance of the Ukrainians towards unlawful violence in the police rose, exercising pressure onto the agents' consciousness and making the latter aware of the danger of such actions to the public. However, in 2015 the research found that **the number of Ukrainians who don't tolerate brutality has stopped to increase and even started to decline. This gradual trend extended to 2017.** So, if in 2015 15.6% of respondents regarded torture and unlawful violence as possible yet “only to be applied as extreme measures”, in 2017 their number rose to 18.5%. The number of those who accept it “only towards certain groups and categories of people” has risen insignificantly – to 4.6%. The number of those who maintain that “policing is impossible without that” is almost the same (Figure 1.5.1).

Thus, we must admit that almost every fourth Ukrainian (24.4%) accepts in one way or another the eventuality of police use of unlawful violence or even torture. Even in comparison to 2015 the data on this group demonstrate a certain trend (+1.2%). And though in 2017 the overwhelming majority of people (75.6%) don't accept unlawful violence in the police under whatever circumstances or justifications, the trends we received clearly show that a part of the society is becoming more radical over time.

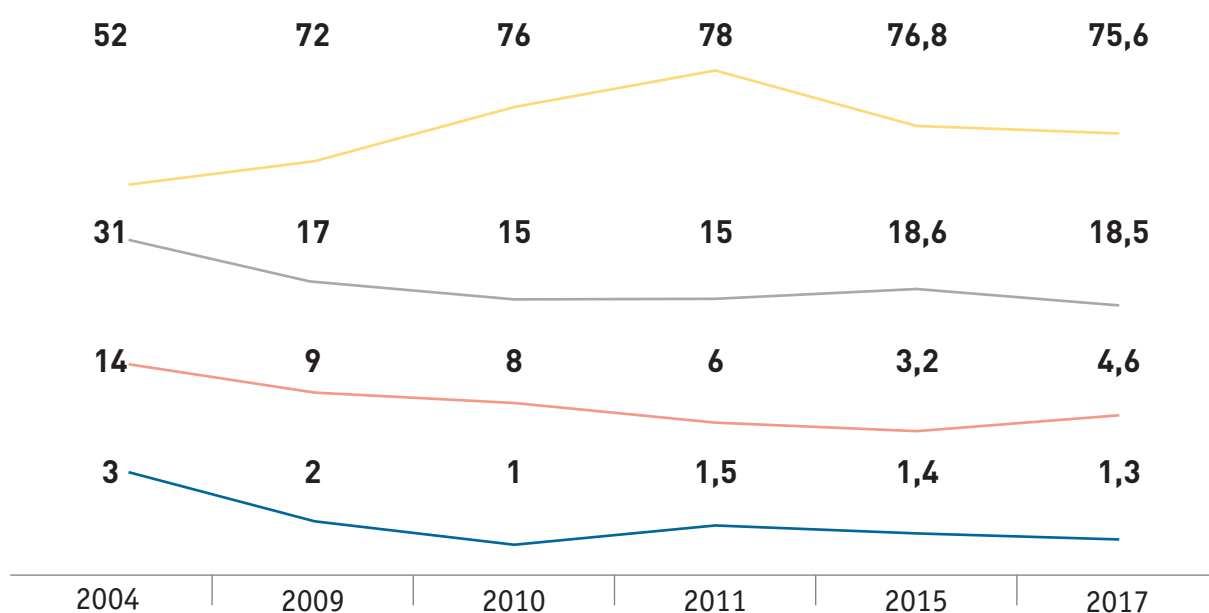


We have different systems of values. You don't understand this as you are on the opposite side of the barricades. But we belong here. I am fond of the human rights advocates, those who shout on TV and talk much. I always give a simple example. I personally and sincerely wish you that your daughter gets raped by 3 men, and then we will talk. They shut up immediately. A minute of silence. Everything is understood. But why? I say, why what? Where will you go? You can take a pistol and go to shoot. And then we will come to you. It's that simple. Life is trite and mean. It's not our nature, it's life. You are a rights advocate, it's all needed, but the life is way too different. And if a crime occurs

and policemen overreacted, no problem. A clever policeman will make everything in a way that nobody will prove anything. He must be smart and experienced. If human rights watchdogs are touched personally, then they talk differently. They want the truth. And you can't prove the truth legally, it won't work.

From the interview with a prosecutor

Figure 1.5.1. Comparative distribution of responses given by the population to the question: “Is police use of beating and torture acceptable if used to clear up or detect crimes?” (%)



● Policing is impossible without that ● Acceptable towards certain groups and categories ● Acceptable as an extreme measure ● No, under whatever circumstances

□ *There may be personal affections. For example, a high-profile case is being detected. The policemen overreacted, a new case has been opened against them. It was channelled to prosecution investigation, to us. Theoretically, we know why they overreacted there. They strived for the best, something succeeded, something failed, this is one situation. Here the prosecution can treat them well. Such case will be closed, in my guessing.*

From the interview with a prosecutor

The following question was posed to those respondents who accept the use of unlawful violence in the police: “In which cases in your opinion is the use of beating, torture and humiliation acceptable in policing?” Distribution of responses from the population for all research years is shown in Table 1.5.1. Moreover, an **index of acceptability** of unlawful violence (*I acc*) was calculated for each category. Response options were assigned values “Yes, acceptable” – 3; “Rather acceptable” – 2; “Rather unacceptable” – 1; “No, not acceptable” – 0. The index was calculated as a sum of multiplications of options values by the

number of respondents who gave such a response, divided by an overall number of those who responded to a question. Therefore, an index may vary from 3 (all respondents accept the use of unlawful violence with such a goal) to 0 (all respondents do not accept the use of unlawful violence with such a goal). Here we must mention that the option “Rather unacceptable”, though indicating the proclivity of a respondent to object police abuse, still accepts a minimal possibility of its use, therefore counts as a degree of acceptability.

Comparing indices of acceptability calculated using people’s responses in 2004–2017 (Figure 1.5.1), the following conclusions can be made:

1. ***the tolerance of unlawful violence in the police increases*** in the society slowly but dangerously. In fact, over the two years there remains solely one motive, in regard to which violence didn’t get additional support – “for improvement of performance indicators”.
2. unlawful violence remains to be acceptable the most “**for solving especially serious crimes (such as murder, rape, crime against children, kidnaps, etc.)**”, “**for thwarting terror acts**” and “**as a form of punishment and vengeance upon rapists, murderers**”.

The increase in index of acceptability of torture and violence was also observed in the alternative added by us to the 2015 grade – “*when working with persons guilty in separatism and participants of hostilities against Ukraine*”. Thus, substantiation for violence, emerged after start of acts of warfare in the East of Ukraine didn’t vanish over the two years, because the war still troubles citizens so much that they are prepared to substantiate even torture and abuse.


Table 1.5.1. Popular opinion about acceptability of use of beating, humiliation and torture in policing (*as Index of acceptability I acc*)

	Index of acceptability (<i>I acc</i>).					
	2004	2009	2010	2011	2015	2017
1. For solving especially serious crimes (<i>murders, rapes, crimes against children, kidnaps, etc.</i>)	2,3	2,2	2,2	2,3	1,9	2,1
2. As a form of punishment and vengeance upon rapists, murderers	2	2	1,5	1,5	1,1	1,3
3. When it's impossible to prove the guilt otherwise	0,8	0,8	0,8	0,6	0,5	0,8
4. When a criminal is caught red-handed and there's no doubt he is guilty	1,4	1,4	1,5	1,2	0,9	1,1
5. For a quick clear-up of crimes	0,8	0,5	0,6	0,4	0,4	0,5
6. To improve clear-up rates	0,6	0,2	0,4	0,2	0,3	0,3
7. As a temporary practice in the fight against crime	0,7	0,4	0,5	0,5	0,4	0,5
8. As a temporary practice during wartime					0,4	0,8
9. To thwart a terror act					1,6	1,5
10. To discontinue criminal activity of persons, inclined to commit crimes	0,8	1,2	0,9	0,7	0,8	1,1
11. When dealing with persons guilty in separatism and participants of hostilities against Ukraine					1,0	1,3
12. To maintain order in a detention centre	0,8	0,9	0,9	0,6	0,3	0,7


1.6 Citizens' opinion on the causes of unlawful violence in the police of Ukraine and on ways to solve the problem

Popular opinion about causes of torture and unlawful violence by policemen is a very important indicator which allows the command to receive feedback and plan the work with staff and population. Like in the past years, the citizens largely distinguish three key factors affecting the spread of routine beatings, humiliation and torture in policing:


1. impunity of police officers who employ illegal methods in their work (43.5%);
2. ill recruitment, resulting in hiring people with propensity for sadism (34.7%);
3. low levels of professionalism and culture of policemen (30.5%) (Table 1.6.1).

 *Lack of professionalism of our colleagues hampers us, among other issues. In some cases, lack of humanity and intrinsic clumsiness of the system, which demands prompt reaction. For example, he says, I was brought yesterday night to the district station, they tweaked me, they wanted 100 dollars. I had dope on me, they rolled it, they planted it on me. What should be done fast? You must take a look, understand, who he is, quickly gather information, look up the journal, whether he was ever brought before or not, if there's video recording from the sentry room, what time he came in. his condition, whether he had any scratches on his face, clothes clean or untidy. You should do it as fast as you can. A district station is a facility with restricted access, a court's judgement is a must. 2-3 days may pass until you apply, register. You came, they tell you, sorry, the video is deleted, it's only stored 48 hours. A host of nuances.*

From the interview with a prosecutor

 *The main reason – patrolmen's poor ability to work under stress, as a result – we can say, that it is also a reason – poor selection of policemen: poor examination by a therapist, poor interview and screening. There are indirect causes: stress at work, chronic undersleep, wrong diet, hard conditions – all this affects the decline in a person's ability to deal with stress.*


From the interview with a patrolman

 *Sometimes the forensics are powerless. It's impossible to prove but you know that it is him. When there are pieces of evidence, but they are taken with a violation. You can't use them. This is what our Criminal Procedure Code is all about.*

From the interview with a prosecutor


People's conviction of a long-standing tradition of abuse in policing continues to grow – this reason is cited in more than every fourth response (28.1% of responses). The numbers of people who believe that unlawful violence is engendered by poor control over the police (21.2%), inactivity of the prosecution (12.3%), imperfection of legislation (22.4%) and ineffective punishment system (22.5%) grow too. We have more respondents who think that the cause of unlawful violence lies in external factors – “negative changes in criminal situation” (13.6%).

The popular opinion is partially supported by expert interviews.

 *All we need from the State is the right laws. I don't support the concept of the policeman's presumption, as was proposed, like, policeman's always right. Because some people don't deserve so much power. What we have is enough, just need to regulate duly. From their part, we need a correctly formulated package, which we can apply, and it must be controlled, as we do it. If we do something wrong, correct us.*

I strongly dislike unlawful violence. The only remark is that legitimacy of violence is defined by law. I said that we have problems with legislation.


From the interview with police officers

 *You see, the high ranks of the police are still there. It's not a secret for you that 90% of former employees were restored by courts, and all this re-attestation was an element of populism. It was shown, people bought it, but in reality it was window dressing, a sham. They all managed to be restored by a court. The same old faces, only the title has changed, and what would you expect with the same commandment, with old working methods. Naturally, the demands are the same.*

From the interview with a prosecutor

Table 1.6.1. The opinion of the population as to the main causes of unlawful physical and psychological abuse (as the percentage of responses)

	2009	2010	2011	2015	2017
Impunity of officers who broke the law	53	54	53	41	43,5
Ill professional selection	43	42	43	40	34,7
Low level of professionalism and culture possessed by police officers	38	45	39	37	30,5
Existence of indicators in reporting	28	25	30	29	22,5
Poor control exerted by high ranks	21	23	27	20	21,2
Imperfection of legislation	18	28	23	17	22,4
Tradition in the work of the police	18	19	17	24	28,1
Inactivity of the prosecution	12	15	14	9	12,3
Violation of rights of the policemen	10	11	9	9	9,3
Rise in criminal activities	9	16	12	8	13,6
Courts accept evidence received by torture	8	10	13	8	9,5
Because the country is at war	–	–	–	4	4,4
Because of lack of effective advocacy	–	–	–	7	9,3

 *Nobody left the system, alas. Today, the main indicators – crime detection and bringing criminal cases to courts. The indicators are not good enough. We are undermanned. In my understanding, everything has got worse. At present, the cases are commenced and left pending. A typical investigator has 400–600 cases, impossible to remember them all. That’s the idiocy of the new Criminal Procedure Code.*

From the interview with a prosecutor

Speaking of views on what should be done to prevent unlawful violence in the police, the monitoring of population distinguishes the same actions all the years. More than that, the importance of aforementioned factors for the people is inflating. But, unfortunately, the Ministry of Internal Affairs can’t organise systemic work in specified directions.

People think that the situation may be improved by certain internal measures:

1. more severe punishment of policemen for instances of unjustified violence, brutality, torture (46% of responses);

2. improved selection of candidates for police work (35%);
3. improved training of police officers (34%) and improved effectiveness of control exerted by senior command over actions of their subordinates (32%) (Table 1.6.2).

Changing the performance indicators system in the police also remains an important factor which might improve the situation, in the opinion of the people. In 2017, this direction is supported by 18%.

The second most important group of action is external pressure on the police system – 22% said the court system must be reformed; 24% long for control by NGOs and the media; 23% stand for intensification of prosecution supervision.

The number of pessimists who hold that there's no need to do anything, as this problem is unsolvable in principle, continues to drop (2004 – 9%, 2017 – 2%).

Table 1.6.2. Popular opinion about measures on how to prevent and eliminate unlawful physical and psychological violence in policing (*as the percentage of responses*)

	2004	2009	2010	2011	2015	2017
No need to do anything because this problem is non-existent	2	1	2	1	1	2
No need to do anything because the country is at war					2	5
The problem cannot be eradicated	9	6	6	7	4	2
To respect the rights of policemen in the first place		8	12	8	8	10
To improve legal education of the population		22	26	24	14	16
To change the indicators system	15	24	16	25	17	18
To enhance control by NGOs and media	14	19	23	24	22	24
To enhance control by senior command	23	31	34	44	24	32
To enhance prosecution supervision	20	27	22	26	25	23
To improve professional training	40	31	43	37	30	34
To reform the courts system					31	21
To improve the professional selection	50	39	50	48	37	35
To punish the persons guilty in torture and unlawful violence harder	52	56	48	50	40	46

There must be pickier selection, of course. Where do they hire personnel from? From the population. And the latter, I think, is traumatised by many factors. Our people can't solve conflicts, a great part of them always tend to use force. You can see that everywhere: on the streets, in the family – wherever.

I'm gonna tell you that most people don't know their rights at all. Say, I arrive at a place on a call, and during conversation I realise that a man thinks that I can easily put handcuffs on him. He says something like: "Okay, I don't argue. I am a detainee now. That's it." I say: "Nah, we won't detain you". Many people I talk to simply don't understand that a police officer can't arrest, use force, strike out with a baton right away. So, they even don't understand this, let alone they are unaware of their right for a lawyer, a free public lawyer. The patrol officers don't always say it out loud, not always at all, so this is often not respected.

From the interview with patrol policemen