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Ukraine*

The present report is a summary of 33 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Implementation of international human rights obligations²

1. Noting occurrences of ill-treatment of detainees by law enforcement bodies, Ukrainian Parliament Commissioner of Human Rights (UPCHR) stated that ensuring in practice detainees' access to a lawyer and establishing an appropriate mechanism for the investigation of complaints on torture cases are necessary to combat torture. UPCHR stated that the creation of the Commission on Prevention of Tortures at the Office of the President of Ukraine was an important step; however, it is necessary to establish a specialised body on prevention of torture in line with obligations under OP-CAT.³

2. UPCHR reported that overcrowding in pre-trial detention centres and penitentiary facilities aggravated. UPCHR considered that the new legal requirement, which established a minimum standard for living space per one convicted person not be less than 4 square meters was a step forward towards the gradual implementation of international standards on detention conditions. However, UPCHR indicated that the limited capacity of correctional facilities was an obstacle for the full implementation of those legal requirements. UPCHR also noted that the healthcare system in penitentiary facilities remained unsatisfactory and lacked modern medical equipment, supplies and qualified personnel.⁴

3. Noting the issue of prolonged pre-trial detention, UPCHR urged Ukraine to introduce reasonable limits to the period of detention in the legislation and to ensure a right to appeal decisions on the arrest.⁵

4. UPCHR pointed to findings of the office's monitoring that indicated violations of the right to a fair trial caused by chronic non-execution of court judgments.⁶

5. UPCHR stated that poverty remained a serious problem and that families with children and the rural population remained the most effected groups.⁷

6. Noting the ratification of CRPD, UPCHR reported that the National Action Plan for Equal Opportunities for Persons with Disabilities has not been yet adopted and that no independent structure for the promotion and monitoring of the Convention was established as required by article 33 of CRPD. UPCHR stated that many buildings of government agencies, cultural and educational institutions, and courts did not ensure access for persons with disabilities.⁸

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations⁹

7. Joint Submission (JS) 8 and Joint Submission of the Coalition entitled 'Civil and Political Rights' (CCPR) recommended that Ukraine ratify ICRMW.¹⁰ JS5 recommended that Ukraine ratify CPED.¹¹

8. JS8 noted that Ukraine failed to ratify the Rome Statute of International Criminal Court despite recommendations put forward during the UPR.¹² AI recommended that Ukraine make necessary constitutional changes to ratify the Rome Statute.¹³

9. JS12 recommended that Ukraine ratify the conventions on stateless persons.¹⁴

2. Institutional and human rights infrastructure and policy measures

10. As CoE noted, CoE-ECRI recommended that the Ombudsman's office be provided with sufficient resources to carry out its tasks with respect to the fight against racism and racial discrimination.¹⁵

11. AI stated that Ukraine failed to set up an independent body to investigate torture and has not yet established a National Preventive Mechanism.¹⁶ Noting that the Commission on Torture Prevention does not meet the requirements of the OP-CAT, CCPR recommended that Ukraine establish a mechanism for preventing torture in compliance with the requirements of the OP-CAT.¹⁷

B. Cooperation with human rights mechanisms

12. JS8 reported that the recommendations made by the UN human rights bodies were not translated into Ukrainian or made public.¹⁸

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

13. JS11 highlighted that the principle of equality was not extended to citizens in the Constitution. JS11 noted the absence of a comprehensive anti-discrimination legislation.¹⁹ Council of LGBT organisations of Ukraine (CLGBT) stated that anti-discrimination provisions were scattered throughout the legal system and lacked effective mechanism for their implementation.²⁰ JS2 stated that legislation did not provide a definition of discrimination, including direct and indirect discrimination and did not include a comprehensive list of grounds for discrimination.²¹ As CoE noted, CoE-ECRI reiterated its recommendation that Ukraine include in the Constitution the right to equality and non-discrimination for all, but not just for citizens.²² JS11, JS2, CLGBT, Insight and the Council of Europe (CoE) recommended that Ukraine adopt a comprehensive anti-discrimination law covering all area of life.²³

14. Noting gender discrimination and stereotyping in media, JS6 stated that media and advertising laws did not contain provisions against gender stereotyping.²⁴ JS6 noted occurrences of gender discrimination and gender stereotypes in recruitment processes and stereotyped notions of "feminine" and "masculine" professions in access to vocational training.²⁵ Insight recommended that Ukraine take measures to challenge discriminatory social norms through public awareness raising and implementation of legal norms.²⁶ JS6 recommended the establishment of a viable mechanism to address gender discrimination.²⁷

15. Human Rights First (HRF) indicated the documented increase in incidents of racially motivated violence.²⁸ JS2 stated that the majority of victims of racist crimes were people from Africa, Asia, Middle East and Caucasus.²⁹ As HRF noted, Jewish and Roma communities and Crimean Tatars were also among the targets of racially motivated crimes. HRF stated that the perpetrators of the most serious hate crimes belong to groups of skinheads—young people united by extreme nationalist and racist ideology.³⁰ JS2 stated that the authorities failed to protect minorities from racially motivated violence and hold perpetrators liable.³¹

16. HRF noted the adoption of a national plan to combat racism and xenophobia and an instruction for law enforcement bodies on the data collection of hate crime incidences. However, HRF noted the lack of the implementation of the instruction. Additionally, the

disbanding of the State Committee for Nationalities and Religion and the Human Rights Monitoring Department at the Ministry of Interior weakened the efforts to combat racist and bias-motivated incidents.³² CoE made similar observations.³³

17. JS2 noted that criminal liability for racially motivated crimes was never applied.³⁴ CoE stated that perpetrators of hate crimes tended to be prosecuted as ordinary offences or hooligans.³⁵ HRF recommended that Ukraine: publicly condemn crimes of racist violence and other hate crimes; ensure that such crimes are investigated and perpetrators prosecuted; and strengthen the criminal law regarding racially motivated crimes.³⁶ JS2 and CoE made similar recommendations.³⁷

18. JS2 and CoE noted occurrences of racial profiling by the police.³⁸ JS2 recommended that Ukraine ban illegal profiling practices within law enforcement authorities.³⁹ CoE-ECRI recommended that Ukraine set up an independent body for receiving complaints about racism and racial discrimination against police officers, noted CoE.⁴⁰

19. HRF highlighted the lack of explicit legal protection against discrimination based on sexual orientation.⁴¹ Furthermore, as CLGBT noted, some laws contained discriminatory provisions against LGBT persons.⁴² HRF and CLGBT pointed to intolerance towards LGBT persons in society.⁴³ JS2 referred to reports indicating that LGBT persons experienced direct and indirect discrimination in employment, access to services, education, housing, health care and access to justice.⁴⁴ JS2 also pointed to reported high incidence of bias-motivated crimes directed at LGBT individuals and organisations.⁴⁵ Insight reported that politicians chose to use homophobia as part of their election platforms in 2010 and 2012.⁴⁶

20. Insight reported that hate crimes towards LGBT people often treated as hooliganism.⁴⁷ JS2 stated that LGBT persons were reported to be often victims of police profiling and illegal arrests.⁴⁸ CLGBT reported that threats to disclose the information about the person's sexual orientation to his/her relatives or colleagues were reportedly used by law enforcement bodies to extort money or make LGBT people to admit guilt for crimes they did not commit.⁴⁹

2. Right to life, liberty and security of the person

21. Amnesty International (AI) stated that Ukraine made little progress in combating torture in police detention places and that torture remained widespread.⁵⁰ Similarly, CCPR reported about ill treatment of arrested persons by law enforcement bodies to obtain evidences.⁵¹ CoE made similar observations.⁵² AI recommended that Ukraine ensure that any law enforcement official suspected of committing torture is prosecuted. AI and CCPR recommended the amendment to Article 127 of the Criminal Code to ensure that it accurately reflects the definition of torture of CAT.⁵³

22. Donestk Memorial (DM) stated that while conditions in some of penitentiary institutions were adequate, there were many others, especially in pre-trial detention centers, where conditions remained poor and prisoners were allocated in cells with less than 1 square meter.⁵⁴ CCPR highlighted the poor organization of medical services and insufficient funding of health care system for prisoners. It noted that the measures undertaken to reduce the mortality rate among convicts were not sufficient and the mortality rate increased.⁵⁵

23. World Federation of Ukrainian Women's Organisation (WFUWO) stated that violence against women was widespread.⁵⁶ JS6 noted the lack of funding for preventive measures and the provision of social assistance to victims of domestic violence, and insufficient social services for them.⁵⁷

24. WFUWO stated that Ukraine is a country of origin, transit and destination for human trafficking.⁵⁸ JS1 and JS6 noted the delay in the adoption of legal acts for the implementation of the 2011 Law on Combating Human Trafficking.⁵⁹ The Law, as JS1 noted, did not provide guarantees for compensation to trafficking victims. No state funding was allocated to assist trafficking victims and no shelter for the rehabilitation of those victims was established.⁶⁰ JS1 and JS6 indicated that assistance to the trafficking victims was mainly granted by international and non-governmental organizations.⁶¹ European Union Border Assistance Mission in Moldova and Ukraine (EUBAM) reported that training of border guard services did not cover human trafficking despite the fact that border guards were assigned to fight organized crime, including human trafficking.⁶²

25. JS12 pointed to the lack of mechanisms for the prevention of sexual violence and sexual exploitation of children and for their rehabilitation and reintegration. The only rehabilitation centre for girls functioned in Odessa with the financial support of NGOs and donors.⁶³

26. JS12 stated that legislation did not define the term child prostitution.⁶⁴ ECPAT International (ECPAT) indicated that legislation did not fully recognise criminal immunity of child victims of prostitution and included administrative responsibility for children between 16 and 18 years of age engaged in prostitution. Using sexual services of a child over 16 years old or of a child who reached sexual maturity was not considered as a crime under legislation.⁶⁵ CoE and JS12 made similar observations.⁶⁶ ECPAT recommended that Ukraine introduce a clear definition of child prostitution into legislation and revoke legal responsibility of children engaging in prostitution.⁶⁷

27. ECPAT stated that a rehabilitation and reintegration system for child-victims of trafficking and sexual exploitation was not developed as required by the National Plan of Action for the Implementation of the United Nations Convention on Child Rights.⁶⁸ ECPAT recommended that Ukraine ensure specific services for child-victims of sexual exploitation, such as shelters and psychological assistance and financially assist NGOs that provide such services, and establish specialised rehabilitation programmes for children involved in the pornography and in prostitution. ECPAT recommended the criminalisation of the possession of child pornography and the act of knowingly obtaining access to it.⁶⁹

3. Administration of justice, including impunity, and the rule of law

28. JS8 stated that the 2010 judicial reform resulted in almost no improvement but further weakened judicial independence. The legislation entrusted the High Council of Justice (HCJ) with broad competences in appointing and dismissing judges and initiating disciplinary proceedings against them. JS8 noted that the pressure on judges exercised by the Prosecutor's Office and HCJ became systematic.⁷⁰ As CoE noted, Commissioner for Human Rights (CoE-Commissioner) called upon Ukraine to establish fair procedures and criteria regarding the appointment and dismissal of judges and application of disciplinary measures; and to ensure changes in the composition of the HCJ and quality on-going training for judges.⁷¹

29. DM highlighted the lack of independent scrutiny on the observance of human rights in the penitentiary institutions.⁷² As CoE noted, CoE-Commissioner stated that democratic oversight of the law-enforcement and security structures should be strengthened, including by ensuring individuals' access to a fully independent complaint mechanism.⁷³

30. JS8 highlighted violations of reasonable time for court proceedings, massive non-enforcement of courts' decisions, insufficient funding of and corruption in the judiciary.⁷⁴ JS8 stated that the protection of the right to a fair trial deteriorated and pointed to violations of the right to a fair trial in the criminal prosecution of a number of former officials,

including Y. Tymoshenko and Y. Lutsenko.⁷⁵ The Ukrainian World Congress (UWC) made a similar observation.⁷⁶

31. AI recommended that a lawyer be always present during police interrogations unless a detainee waives the right to a lawyer, and that all interrogations are accurately recorded, preferably with the use of video/audio equipment.⁷⁷ CoE-Commissioner stated that defence lawyers should have free and unimpeded access to their clients in places of deprivation of liberty and all those in need should have the possibility to receive free legal assistance.⁷⁸ As CoE noted, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) made similar observations.⁷⁹

32. Noting the absence of the legal framework for independent lawyers' association, Lawyers for Lawyers (L4L) urged Ukraine to adopt a law on bar association that recognizes the right of the bar to self-government and guarantees a proper representativeness of the bar by means of regular elections and regional representation.⁸⁰ Furthermore, L4L reported that lawyers were subjected to threats, intimidation and fiscal pressure by the government, especially when they are involved in sensitive cases.⁸¹ CoE-Commissioner expressed similar concerns.⁸²

33. Noting the lack of policy and legislation to implement the restorative justice, JS9 recommended that Ukraine finalize the development of legislation on mediation in criminal matters and other restorative justice programs, and support the development of Community Centers of Restorative Practices to ensure access to restorative justice programs.⁸³

34. CCPR stated that court practice of using the evidence obtained as a result of torture, as acceptable evidence promoted the use of torture and that legislation did not stipulate procedure for invalidating the evidence obtained under torture.⁸⁴ AI stated that Prosecutor's office, which plays a central role in the investigation of allegations of torture, is not in a position to impartially investigate crimes allegedly committed by police because of close links between prosecutors and the police.⁸⁵

35. JS12 stated that in an absence of a juvenile justice system children stayed in detention places for months, awaiting a trial that causes interruption in their studies.⁸⁶ CoE-Commissioner encouraged Ukraine to pursue its efforts towards reform in juvenile justice, recalling that in cases involving juveniles, deprivation of liberty should be imposed only as a measure of last resort and for the shortest possible time.⁸⁷

4. Right to privacy, marriage and family life

36. JS6 noted that legislation, which guarantees financial assistance to single mothers and early retirement to women bringing up a child with disabilities did not provide similar entitlements to men. JS6 stated that such provisions should be extended to provide men with equal opportunities in combining family duties with work.⁸⁸

37. JS12 noted an increase in the number of children placed in institutions and a decrease in the number of adoptions owing to various obstacles created in adoption process. The placement of children from poor families in institutions increased, which gave raise to so called 'social orphans'.⁸⁹

38. Insight reported that legislation did not provide rights to LGBT people to register their partnership, to marry or to adopt children.⁹⁰ CLGBT explained that same-sex couples were deprived of any form of legal recognition and of any rights as a family even if they cohabit and de facto constitute a family. Same-sex couples were not allowed to jointly adopt children and legislation did not recognise any parental or custodial rights and obligations for a partner in a same-sex couple in relation to the child of the other partner.⁹¹ Insight concluded that the lack of legal recognition of diverse forms of families resulted in discrimination in a number of areas of life.⁹²

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

39. European Association of Jehovah's Christian Witnesses (EAJCW) reported that the Religious Center of Jehovah's Witnesses faced an illegal seizure of a portion of its property through a land grab scam, which involves the illegal sale of a property to a third party without the knowledge of owners.⁹³ EAJCW also referred to a number of cases of assaults and attacks against Jehovah's Witnesses and reported that perpetrators were not punished.⁹⁴

40. Unrepresented Nations and Peoples Organisation (UNPO) recommended that Ukraine respect religious rights of the Crimean Tatars, including allocation of land for the constructions of places of worship and measures for adequate protection of sacred sites.⁹⁵

41. JS10 expressed concern at the discriminatory duration of the alternative service for conscientious objectors to military service and about the restrictions on who may be eligible for recognition as a conscientious objector. It stated that amendments to the Law on Alternative Services retained the duration of alternative service which is one and a half times longer than the duration of a military service.⁹⁶

42. Reporters without Borders (RSF) reported that many journalists were subject to threats and pressures and majority of the attacks remained unpunished. RSF noted that no progress was made in investigation of the disappearance of the editor of *Novyy Styl* newspaper, who has been missing since August, 2010. The situation had a chilling effect on media freedom, which was further reinforced by the inability of the judiciary to solve high-profile cases such as the murder of editor Gongadze.⁹⁷

43. RSF stated that independent broadcast media remained under pressure and often faced obstacles in keeping their licenses. In 2011, regional TV stations with a long experience and many viewers, such as 9 Kanal, Chornomorska TV, ZIK, 3 Studia, Mist TV and Rivne-1, were denied digital frequencies. In August 2011, the activities of a local broadcaster and two independent TV channels operating in Kharkiv were abruptly interrupted without clear reason provided.⁹⁸

44. JS8 reported about a number of human rights activists and organizations that were subject to arrest, detention and violence.⁹⁹ JS8 recommended that Ukraine implement the UN Declaration on Human Rights Defenders and stop the persecution of civil activists.¹⁰⁰

45. JS5 noted the Government's attempt to make restrictions and to create obstacles for the functioning of trade unions. It referred to the case of the Federation of Ukrainian Trade Union, which was subject to constant pressure and faced various inspections and criminal proceedings initiated against their members.¹⁰¹

46. JS8 reported that no special law on peaceful assembly was adopted and that the courts applied the procedure on organizing meetings, rallies and demonstrations adopted by the Supreme Council of the USSR in 1988. Courts often ban peaceful assemblies by referring to the incapacity of law enforcement bodies to protect public order and in cases when several organizers apply for holding meetings at the same time and in the same venue.¹⁰² CCPR stated that the use of administrative arrest became a widespread measure of punishment for peaceful protests.¹⁰³ JS8 recommended that Ukraine adopt a law on the freedom of peaceful assemblies in line with international law.¹⁰⁴ Insight made a similar recommendation.¹⁰⁵

47. JS6 stated that the representation of women in decision making positions remained low.¹⁰⁶ WFUWO made similar observations.¹⁰⁷

6. Right to work and to just and favourable conditions of work

48. JS5 highlighted the high rate of hidden unemployment. JS5 reported that the salary levels remained low and that the payment of arrears in salaries was not realized and the amount of debt on salaries increased. Employees were often required to work part-time or stay on unpaid vacations.¹⁰⁸

49. JS5 reported that labour safety remained an acute problem and that the rate of work-related accidents was high. JS5 referred to the lack of the Government's measures to prevent work injuries and to ensure adherence to sanitary and hygiene requirements of work safety.¹⁰⁹

7. Right to social security and to an adequate standard of living

50. JS5 stated that the Government's efforts to reduce the poverty level and to ensure the right to adequate living standards were not efficient and that the living standards of population deteriorated and the social protection system was inefficient.¹¹⁰

51. CoE reported that insufficient measures were taken by the authorities to improve the substandard housing conditions of many Roma and the Crimean Tatars.¹¹¹ JS5 recommended that Ukraine make housing affordable, address violations of the right to housing of vulnerable categories of population and ensure adequate funding and efficient mechanisms for the implementation of subsidized housing programs.¹¹²

8. Rights to health

52. Noting the increase in number of HIV-infected persons, JS4 stated that the implemented measures to counteract growing rates of HIV/AIDS epidemics were insufficient and the death caused by AIDS-related diseases became a real threat for thousands of patients.¹¹³

53. JS4 referred to the adoption of policy and legal framework and increasing budget for HIV prevention and treatment.¹¹⁴ Harm Reduction International (HRI) reported that the National HIV/AIDS program for 2009-2013 set a goal of 60 percent coverage of most at risk groups, but evidence showed that the actual response was far behind the target.¹¹⁵

54. JS7 noted the development of opioid substitution therapy (OST) programmes and harm reduction services for HIV prevention among people who inject drugs (PWID). JS7 stated, however, that the geographical coverage of OST programmes remained limited and that availability of OST programs and harm reduction services for PWID was obstructed by legislation and some enforcement practices. Noting that the legal threshold for certain types of illegal drugs was reduced in 2010, JS7 stated that stringent criminal liability jeopardised needle and syringe exchange programs (NSE Programs) because of the fear of criminal prosecution for illegal drug possession.¹¹⁶ JS4 noted that as used syringe might contain the drug quantities sufficient for initiating criminal liability, including imprisonment illegal drug users were afraid to keep and exchange the used syringes within NSE Programs.¹¹⁷ JS4 highlighted that numerous cases of interference by law-enforcement bodies with NSE Programs were registered and that illegal arrests of the patients, including in the medical care facilities without legal grounds remained a serious problem.¹¹⁸ JS7 recommended that Ukraine ensure that harm reduction programs take into account the clients' needs and that law enforcement practices do not obstruct HIV prevention programs.¹¹⁹

55. HRI and JS7 reported that the proportion of young injecting drug users was growing and referred to their limited access to harm reduction and drug dependence treatment services that were designed primarily for adult opiate users and failed to take into account the dynamics and specificities of drug use among younger people.¹²⁰ JS4 recommended that Ukraine implement the recommendations made by the CRC to set up specialised services

for children and young people addicted to drugs and amend legislation that criminalise children for possession of drugs for personal use.¹²¹

9. Right to education

56. M'ART Youth Alternative (M'ART) expressed concern about the process of so-called "optimization" in general educational institutions leading to the closure of significant number of schools, which had an aggravating impact on children from rural areas. Downsizing schools with small number of children took place on the basis of local authorities' decisions with no prior comprehensive assessment. M'ART also referred to cases when the decisions on liquidation and reorganization of schools were made with a violation of the legislation.¹²²

57. M'ART stated that Ukraine did not adopt a national plan of action for human rights education. At the level of the secondary education, human rights were taught only as a component of legal courses that included limited teaching of human rights-related topics. Similarly, at the higher education level, political and legal studies and philosophy have some chapters on human rights. M'ART also indicated the lack of specialists who were trained to teach human rights.¹²³

10. Persons with disabilities

58. M'ART stated that the education policy does not comply with the principles of inclusive education and that the Government set up specialized inclusive classes instead of ensuring integration of children with disabilities into the general schools. Children with mental disabilities and serious physical restrictions were deprived of any access to education.¹²⁴ Joint Submission by the Coalition of the Organizations of People with Disabilities (UCOPD) made similar observations.¹²⁵ JS5 recommended that Ukraine develop state funded inclusive education system.¹²⁶

59. JS5 stated that the social protection system for people with disabilities envisaged only care in the boarding institutions and that persons with disabilities were placed in the institutions without their consent. JS5 referred to the absence of state policy for de-institutionalization and establishment of support network for independent community-based living for people with disabilities.¹²⁷

60. UCOPD recommended that Ukraine: review legislation and programs to bring it in line with CRPD; ensure the provision of community-based services for children with disabilities, protect people with disabilities from discrimination in employment and ensure effective implementation of the requirement of a 4 percent quota for people with disabilities in public and private companies and institutions; ensure the provision of individual technical rehabilitation and transportation equipment for people with disabilities; amend the legislation to ensure the right to vote to persons with disabilities and ensure physical accessibility of the polling centers.¹²⁸

11. Minorities and indigenous peoples

61. UNPO recommended that Ukraine formally recognize the Crimean Tatars as an indigenous people. UNPO stated that the preservation of the Crimean Tatar language remained a serious issue. Official documents were not translated into Crimean Tatar, which is one of the official languages in the Crimea. Education in the Crimean Tatar language remained limited.¹²⁹ UNPO reported that the Government supported local media in Crimean Tatar, including two state-funded newspapers, however, the situation worsened for the past two years because of irregular state funding.¹³⁰

62. As CoE noted, CoE-CoM stated that problems relating to access to land by Crimean Tatars remained unsolved in the Crimea and no legal norms regarding restitution of property to formerly deported peoples was adopted.¹³¹ UNPO made a similar observation.¹³²

63. CoE-CoM stated that the Roma faced social and economic difficulties.¹³³ JS11 stated that many Roma communities lived in extreme poverty, with little or no access to basic social services.¹³⁴ JS11 referred to the research findings indicating that members of the Roma had problems in accessing quality education, housing, healthcare, and employment in Odessa oblast. Lack of access to personal documents also remained a problem, which negatively affected the enjoyment of rights by members of the Roma. Roma children were put in segregated schools or sent to special schools for children with mental disabilities. The distance between Roma settlements and schools and cost of education were also obstacles for the Roma children 'access to education. Members of the Roma often lived in inadequate housing conditions without heating, water, electricity and sewage in Odessa oblast. JS11 highlighted that members of the Roma faced those problems also in other regions of Ukraine.¹³⁵ JS11 stated that no comprehensive policy to address the disadvantaged situation of the Roma was adopted and the Government's measures were not sufficient to address their problems.¹³⁶ JS11 recommended that Ukraine: ensure that the Roma children are enrolled in mainstream schools; develop programmes to relocate segregated Roma communities into integrated areas, resolve the status of informal settlements and housing and provide water, electricity and other necessary infrastructure in Roma settlements.¹³⁷

64. CoE recommended that Ukraine improve the legislative framework pertaining to minority issues, in particular in the field of education and media to bring it in line with international norms. It also recommended that Ukraine: improve the social and economic situation of persons belonging to disadvantaged minorities, particularly the Roma and the Crimean Tatars and promote equal opportunities for access to education at all levels for persons belonging to national minorities and provide quality textbooks and qualified teachers for minority language education. Furthermore, CoE recommended that Ukraine create conditions to facilitate wider participation of persons belonging to national minorities in elected bodies.¹³⁸

12. Migrants, refugees and asylum-seekers

65. AI expressed concern about the continued failure to observe the principle of non-refoulement or to provide full and fair refugee status determination procedures.¹³⁹ JS2 stated that the lack of effective procedural guarantees for asylum seekers put every non-citizen at risk of expulsion upon the discretion of relevant law enforcement authorities.¹⁴⁰ JS2 highlighted that an appeal against the denial of entry or deportation decision did not have suspensive effect and thus, one might be deported before court procedures finished. If before 2011 the authorities did not inform persons subject to deportation orders about the reasons behind their decision, at present a written statement containing justification of such decision was provided in Ukrainian language preventing them from understanding the reasons and effectively challenging it.¹⁴¹

66. CoE reported that the refugee-status determination procedures had been frozen on several occasions.¹⁴² JS2 stated that from August 2009 to August 2010 it was impossible to be granted asylum because there was no authority with power to do so. In November 2010, the State Migration Service (SMS) was assigned with responsibilities concerning refugees and asylum seekers.¹⁴³

67. AI recommended that Ukraine amend legislation to provide complementary protection in the context of international or internal armed conflict; abide by its international obligations not to send individuals to countries where they face a real risk of grave human rights abuses, including torture or other ill-treatment; provide full and fair

refugee determination procedures by ensuring that SMS are fully functional and able to accept applications, that asylum-seekers are provided with interpretation, and that no asylum-seeker is detained for having entered the country illegally.¹⁴⁴ JS12 recommended that Ukraine establish the procedure for assessing the age of unaccompanied minor asylum seekers.¹⁴⁵

13. Right to development and environmental issues

68. JS3 stated that the consequences of Chernobyl nuclear power plant catastrophe had not been resolved and that Ukraine accumulated over a billion tons of industrial toxic waste. Furthermore, JS3 stated that Ukraine cultivated a resource-consuming model of development, which translates into wastes of natural resources.¹⁴⁶

69. Environment People Law (EPL) stated that the public was not consulted with in the decision making on environmental issues. EPL indicated difficulties in obtaining information, including classification of environmental information as confidential or information for official use only. Additionally, the lack of administrative rules and the lack of capacity to implement the relevant laws created the gap between legislation and practice in access to information.¹⁴⁷ JS3 made similar observations.¹⁴⁸

70. Noting a number of obstacles for the enjoyment of the right to property/ownership, Ukrainian Helsinki Human Rights Union (UHHRU) recommended that Ukraine set up transparent and efficient system for state registration of real property, improve the protection of land owners and implement measures for the full enforcement of court decisions regarding the property rights. It also recommended that the land and housing alienation on the grounds of public interest be carried out in strict compliance with the Constitution and international obligations.¹⁴⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status):

National human rights institution

UPCHR Ukrainian Parliament Commissioner of Human Rights*, Ukraine.

Civil society

AI Amnesty International, London, UK;
 CLGBT Council of LGBT organisations of Ukraine, Kiev, Ukraine;
 DM Donetsk Memorial, Donetsk, Ukraine;
 EAJCW European Association of Jehovah's Christian Witnesses, Kraineem, Belgium;
 CCPR Joint submission by the Coalition ‘Civil and Political Rights’ (Kharkiv Human Rights’ Group and Association of Ukrainian Human Rights Monitors on Law-Enforcement), Ukraine;
 ECPAT ECPAT International (End Child Prostitution, Child Pornography, Trafficking of Children for Sexual Purposes), Bangkok, Thailand;
 EPL Environment People Law, Lviv, Ukraine;
 EUBAMMU European Union Border Assistance Mission in Moldova and Ukraine;
 HRF Human Rights First, New York, USA;
 JS1 Joint Submission by La Strada International, Amsterdam the Netherlands and International Women’s Rights Centre “La Strada Ukraine”, Kiev, Ukraine;
 JS2 Joint Submission by Social Action Centre; Association of Ukrainian Human Rights Monitors on Law-Enforcement; Euro-Asian Jewish Congress; Gay Forum of Ukraine, Kiev, Ukraine;
 JS3 Joint Submission by Environmental Humanitarian Association Green World’ and Helsinki Initiative-XXI, Ukraine;

JS4	Joint Submission by Association of Substitution Treatment Advocates of Ukraine; All-Ukrainian League “Legalife”; “Aeneas” Club; ‘HIV-service organizations’ Coalition; Odessa human rights organization “Veritas”; Penitentiary Initiative; All-Ukrainian Charitable Organization “Fulcrum”, Ukraine;
JS5	Joint Submission by National Assembly of People with Disabilities of Ukraine; Ukrainian Helsinki Human Rights Union; Coalition for Persons with Disabilities; Luhansk Oblast’ Youth NGO “AMI –Skhid”, Ukraine;
JS6	Joint Submission by International Women’s Human Rights Center «La Strada-Ukraine»; Information/Counseling Women’s Center; International NGO «School of Equal Opportunities»; Women’s Consortium of Ukraine; Rozrada Center; Center – Democracy Development; Luhansk Center for Women, Ukraine;
JS7	Joint Submission by International HIV/AIDS Alliance in Ukraine; Canadian HIV/AIDS Legal Network, Canada; Eurasian Harm Reduction Network, Lithuania;
JS8	Joint Submission by Ukrainian Helsinki Human Rights Union; Association of Ukrainian Human Rights Monitors on Law Enforcement; Legal Analysis and Strategies Institute; Centre for Legal and Political Studies “SIM”, Ukraine;
JS9	Joint Submission by Ukrainian Centre for Common Ground; office of All Ukrainian Foundation for Children’s Rights; Agency for Regional Development of Podil; Coalition of NGO’s “Restorative Justice Centre”, Institute for Law and Democracy Development of Prykarpattya, Agency of Regional Development “Garmoniya”; Lugansk Regional Mediation Group; Charitable Foundation “Space without a Conflict”; Odessa Regional Mediation Group; Women’s Initiatives; Sumy Region Public Organisation “Sumy Initiative”; Youth for Democracy, Ukraine;
JS10	Joint Submission by the International Fellowship of Reconciliation, the Netherlands and Conscience and Peace Tax International, Belgium;
JS11	Joint Submission by the European Roma Rights Centre, Hungary and Chiricli, Ukraine;
JS12	Joint Submission by Coalition “The Rights of a Child in Ukraine” (Protection of Children’s Rights, Women’s Consortium of Ukraine; Association of young professionals “Class”; M’ART; Danish Refugee Council; Human Rights Center “Postup”; Children’s Environmental organization “Flora”; n Kharkiv Institute of Social Researches; Kharkiv regional foundation “Public Alternative”; Partnership “For Every Child” in Ukraine; Sumy Oblast Youth Organisation “Gender agency of Consultation and Information”); International Women’s Human Rights Center “La Strada – Ukraina”; All-Ukrainian Network for Counteracting Commercial Sexual Exploitation of Children, Ukraine;
L4L	Lawyers for Lawyers, Amsterdam, the Netherlands;
M’ART	M’ART Youth Alternative, Chernyhyv, Ukraine;
RSF	Reporters without Borders, Paris, France;
UCOPD	Joint Submission by the Coalition of the Organizations of People with Disabilities (National Assembly of People with Disabilities of Ukraine; Active Rehabilitation Group; «USER»; All-Ukrainian Youth Organization of People with Eyesight Impairments «Generation of Successful Action»; Vinnytsia public organization «Association of Protection and Support to People with Disabilities «Open Hearts», Donetsk Public Human Rights Organization «Femida»; Kharkiv Organization of Blind Lawyers; Kherson Public Organization «Initiative to Protect Civil Rights of People with Disabilities»; Chernihiv Regional Organization of People with Disabilities «Leader»; Center of Women with Disabilities «Bereginya»), Ukraine;
UHHRU	Ukrainian Helsinki Human Rights Union, Kiev, Ukraine;
UNPO	Unrepresented Nations and Peoples Organisation;

UWC Ukrainian World Congress, New York, USA;
 WFUWO World Federation of Ukrainian Women's Organisation, Toronto, Canada.

Regional intergovernmental organization

CoE Council of Europe (Strasbourg, France)

Attachments:

(CoE-COM) Resolution Council of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine Adopted by the Committee of Ministers on 30 March 2011 at the 1110th meeting of the Ministers' Deputies;
 (CoE-Commissioner) Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Following his visit to Ukraine from 19 to 26 November 2011;
 (CoE-ECRI) European Commission against Racism and Intolerance Report on Ukraine, adopted on 8 December 2011 and published on 21 February 2012;
 (CoE-CPT) Preliminary observation made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment which visited Ukraine from 29 November to 6 December 2011, 12 March, 2012.

² The following abbreviations have been used for this document:

OP-CAT Optional Protocol to CAT;
 CRPD Convention on the Rights of Persons with Disabilities.

³ UPCHR, pp. 2-3.

⁴ UPCHR, p. 3.

⁵ UPCHR, p. 2.

⁶ UPCHR, p. 1.

⁷ UPCHR, pp. 3-4.

⁸ UPCHR, p. 4.

⁹ The following abbreviations have been used for this document:

ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
 CPED International Convention for the Protection of All Persons from Enforced Disappearance.

¹⁰ JS8, p. 4 and CCPR, p. 6.

¹¹ JS5, p. 7.

¹² JS8, para. 6, p. 3.

¹³ AI, p. 4, see also JS8, p.4.

¹⁴ JS12, para. 83.

¹⁵ CoE p. 1 and ECRI, para. 39.

¹⁶ AI, p. 1, see also CCPR, para. 29.

¹⁷ CCPR, pp. 11-12, see also DM para. 37.

¹⁸ JS8, par. 7, p. 4.

¹⁹ JS11, para. 5; see also CoE, p. 1 and CoE-ECRI, p. 7.

²⁰ CLGBT, p. 2, see also JS2, para.1.

²¹ JS2, para. 3.

²² CoE p. 1 and CoE-ECRI, para. 5.

²³ JS11, para. 30, JS2, para. 63, CLGBT p. 3, Insight, p. 4 and CoE-ECRI, para. 30.

²⁴ JS6, paras 32 and 33.

²⁵ JS6, paras. 35 and 48.

²⁶ Insight, p. 2.

²⁷ JS6, p. 11.

²⁸ HRF, p. 2.

²⁹ JS2, para. 16.

³⁰ HRF, pp. 1- 2, see also CoE-ECRI p. 8 and pp. 62-65.

³¹ JS2, para.8; see also UNPO, para. 12.

³² HRF, p. 4.

³³ CoE, p. 1 and CoE-ECRI, p. 8 and para. 24.

- ³⁴ JS2, para. 7.
³⁵ CoE, p. 1; see also CoE-ECRI, p. 8; see also JS2, paras. 10 and 12.
³⁶ HRF, p. 5.
³⁷ JS2, para. 63 and CoE, p. 1 and CoE-ECRI, paras. 20 and 46.
³⁸ JS2, paras. 23 and 24, and CoE-ECRI, para. 165, p. 40.
³⁹ JS2, para. 68.
⁴⁰ CoE, p. 2 and CoE-ECRI report, para. 168, p. 41.
⁴¹ HRF, p. 3, see also Insight, p. 2.
⁴² CLGBT, p. 2.
⁴³ HRF, p. 3, CLGBT, pp.1-2, see also Insight, p. 2.
⁴⁴ JS2, para. 58, see also Insight, p. 4.
⁴⁵ JS2, para. 62.
⁴⁶ Insight, p. 3.
⁴⁷ Insight, p. 3.
⁴⁸ JS2, para. 59.
⁴⁹ CLGBT, p. 4.
⁵⁰ AI, p. 2.
⁵¹ CCPR, paras. 9-12 and 22-28.
⁵² CoE, p. 6.
⁵³ AI, pp. 4-5, CCPR p. 8.
⁵⁴ DM, para. 32.
⁵⁵ CCPR, paras. 5 and 8; see also DM, paras. 7-8.
⁵⁶ WFUWO, para. 13.
⁵⁷ JS6, paras. 65 and 66.
⁵⁸ WFUWO, para. 15.
⁵⁹ JS1, para. 3; JS6 para. 73.
⁶⁰ JS1, paras. 4.1 and 13.1.
⁶¹ JS1, para. 13; JS6, para. 75.
⁶² EUBAM, para. e.
⁶³ JS12, para. 41.
⁶⁴ JS12, para. 40.
⁶⁵ ECPAT, pp. 3-4.
⁶⁶ CoE, p. 7 and JS12, para. 40.
⁶⁷ ECPAT, p. 4.
⁶⁸ ECPAT, pp. 6-7, see also JS12, para. 40.
⁶⁹ ECPAT, pp. 6-7.
⁷⁰ JS8, paras. 17, 19 and 27, see also paras. 22-23 and AI, p. 2.
⁷¹ CoE, p. 5.
⁷² DM, paras. 18 and 37, see also CLGBT, p. 3.
⁷³ CoE, p. 6.
⁷⁴ JS8, para.17, see also para. 29 and CoE, p.6.
⁷⁵ JS8, paras. 5 and 17.
⁷⁶ UWC, p. 3.
⁷⁷ AI, p. 4.
⁷⁸ CoE-Commissioner, p. 3.
⁷⁹ CoE, p. 4.
⁸⁰ L4L, paras. 9 and 16.
⁸¹ L4L, paras. 19-20.
⁸² CoE, p. 6 and CoE- Commissioner, p. 3.
⁸³ JS9, p. 3.
⁸⁴ CCPR, para. 34.
⁸⁵ AI, p. 2.
⁸⁶ JS12, paras. 46, 52 and 53.
⁸⁷ CoE-Commissioner, p. 3.
⁸⁸ JS6, paras. 41, 42 and 45.
⁸⁹ JS12, paras. 25-26.

- ⁹⁰ Insight, p. 2.
⁹¹ CLGBT, pp. 4-5.
⁹² Insight, p. 5.
⁹³ EAJCW, p. 1.
⁹⁴ EAJCW, pp. 2 and 4.
⁹⁵ UNPO, p. 5.
⁹⁶ JS10, p. 1 and para. 18.
⁹⁷ RSF, p. 2, see also CPPR, para. 21 and JS8, para.37.
⁹⁸ RSF, p. 3.
⁹⁹ JS8, paras. 3-4.
¹⁰⁰ JS8, p. 4.
¹⁰¹ JS5, para. 4.8.
¹⁰² JS8, paras. 37, 38, 40, 41 and 43, see also CLGBT, p. 5.
¹⁰³ CCPR, para. 44.
¹⁰⁴ JS8, p. 9.
¹⁰⁵ Insight, p. 4.
¹⁰⁶ JS6, para. 40.
¹⁰⁷ WFUWO, para. 10.
¹⁰⁸ JS5, paras. 4.1, 4.2 and 4.5.
¹⁰⁹ JS5, para. 4.6.
¹¹⁰ JS5, paras. 2.1, 2.4 and 3.1.
¹¹¹ CoE, p. 7.
¹¹² JS5, p. 4.
¹¹³ JS4, paras. 2-4.
¹¹⁴ JS4, paras. 7-8.
¹¹⁵ HRI, p. 2.
¹¹⁶ JS7, p.4, see also JS4, paras. 19-33.
¹¹⁷ JS4, para. 24.
¹¹⁸ JS4, paras. 37 and 38.
¹¹⁹ JS7, p. 5.
¹²⁰ JS7, pp.1, 2 and 6 and HRI, p. 1.
¹²¹ JS4, pp. 8-9.
¹²² M'ART, paras. 14, 15 and 16.
¹²³ M'ART, paras. 28,30 and 31.
¹²⁴ M'ART, paras. 8 and 10.
¹²⁵ UCOPD, p. 3.
¹²⁶ JS5, p.10.
¹²⁷ JS5, paras. 5.19 and 5.22.
¹²⁸ UCOPD, section IV, paras. 1, 2, 9, 14, 15 and 18, see also JS5, pp. 9-10.
¹²⁹ UNPO, paras. 5 and 6.
¹³⁰ UNPO, paras. 5 and 6.
¹³¹ CoE, p. 3 and CoE-CoM, para. 1.
¹³² UNPO, para. 8.
¹³³ CoE, p. 1 and CoE-CoM, para. 1.
¹³⁴ JS11, para. 4.
¹³⁵ JS11, paras. 16, 17, 19, 23 and 28, see also CoE, p.7.
¹³⁶ JS11, paras. 13-14.
¹³⁷ JS11, para. 30.
¹³⁸ CoE, pp. 2-3 and CoE-CoM, para. 2.
¹³⁹ AI, p. 1.
¹⁴⁰ JS2, paras. 28 – 29.
¹⁴¹ JS2, paras. 41-41.
¹⁴² CoE. P. 1.
¹⁴³ JS2, paras. 50 and 51.
¹⁴⁴ AI, p. 4; see also JS2 and EUBAM, para. 6 (b).
¹⁴⁵ JS12, para. 86.

¹⁴⁶ JS3, paras. 2 and 3.

¹⁴⁷ EPL, paras. 14, 17 and 18.

¹⁴⁸ JS3, paras.16 and 19.

¹⁴⁹ UHHRU, p. 2.
