

UNCT submission¹ for the 2012 Universal Periodic Review of Ukraine (2nd cycle)

I. Background and Framework

A. Scope of international obligations

Ukraine is a Party to seven “core” human rights treaties. It has not acceded to the International Convention for the Protection of all Persons from Enforced Disappearance (CPED) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). Ukraine is a Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), but has not ratified its Optional Protocol. Ukraine features among the countries which extended open invitations to all Special Procedures of the UN Human Rights Council. Since May 2008, Ukraine ratified the UN Convention on the Rights of People with Disabilities and its Optional Protocol (16 December 2009), both of which entered into force on 6 March 2010. Regarding non-UN instruments, on 1 June 2011, Ukraine ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters that allows for different forms of co-operation in criminal investigation on human trafficking cases between parties to the Convention. On 7 November 2011, Ukraine signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

B. Constitutional and legislative framework

In October 2010, the Constitutional Court of Ukraine reinstated the 1996 Constitution, which proclaims that the “main duty of the State” is to affirm and ensure human rights and freedoms. International treaties in force consented by the Parliament of Ukraine are an integral part of the national legislation.

Rights of children

While at present there is no Juvenile Justice System in Ukraine, a concept on the Development of a Criminal Justice for Minors was endorsed by the President of Ukraine on 23 May 2011. In October 2011 the Cabinet of Ministers approved an Action Plan for the Implementation of the Concept.

The position of the Presidential Commissioner for Child Rights within the Presidential Administration was introduced by Presidential Decree on 11 August 2011. The key tasks of the Commissioner are to ensure: on-going monitoring of child rights situation in Ukraine and implementation of respective international commitments as well as combating and prevention of child rights violations; development of legislative proposals and Presidential Decrees in the area of child rights; and raising public awareness of child rights issues.

Migration/ asylum/ statelessness

A Presidential Decree “On the Concept of the State Migration Strategy,” was issued on 30 May 2011. The decree takes an inclusive, rights-oriented approach toward migration management. The Law on Refugees and Persons who are in Need of Complementary and Temporary Protection was adopted on 8 July 2011. Changes include: complementary protection for persons who cannot return to their country of origin because of a fear of the death penalty, torture, or inhuman or degrading

¹ This joint UNCT submission, which summarizes key human rights developments since the 1st cycle of the UPR of Ukraine (May 2008), is based on information from IOM, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UNODC and WHO. More detailed information is provided in the individual submissions addressed by these UN entities.

treatment; the introduction of a unified asylum-seeker certificate; and recognition that minor children are recognized as refugees simultaneously with their parents.

The Law of on the Legal Status of Foreigners and Stateless Persons (25 December 2011) provides a minimum legal framework to grant migrants rights and responsibilities on equal footing with Ukrainian nationals (with some exceptions).

Amendments to the Code of Administrative Proceedings (22 September 2011) envisage ensuring the presence of migrants during court hearings on their case on forced expulsion; exemption from court fees when considering such a case; and immediate consideration of such cases by the court.

Right to life, liberty and security of the person

The Parliament adopted a Law on Access to Public Information (13 January 2011), a Law on Personal Data Protection (1 January 2011) and amendments to Certain Legislative Acts on the violation of personal data protection (1 January 2012).

The Law on the Principles of Preventing and Fighting Corruption entered into force on 1 July 2011. There have been amendments to Ukraine's legislation on the organizational and legislative framework for fighting organized crime (5 June 2011). On 21 October 2011, the President of Ukraine approved the State Concept on Combating Organised Crime and the National Anticorruption Strategy for 2011-2015.

The law on Amendments to Certain Legislative Acts aiming at incorporating in the Criminal Procedure Code the provisions of the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters entered into force on 7 July 2011.

The Law on Free Legal Assistance (9 July 2011) grants foreigners, stateless persons, refugees and asylum seekers the right to receive free legal assistance, while specific provisions concerning free legal assistance during court hearings will enter into force on 1st January 2013.

Amendments to the Criminal Code concerning crimes against life and health, honour and dignity of an individual entered into force on 26 July 2011. As a result, exploitation of child labour and engagement of children in begging are now prosecuted even if there is no motivation to make profit.

A Commission on Preventing Torture was set up by Presidential Decree on 27 September 2011. The Commission is deemed to be a permanent consultative body established to assist the President to fulfil Ukraine's commitments under the Optional Protocol to the Convention against Torture with regard to establishing a National Preventive Mechanism. In April 2012, the Presidential Administration announced that the law on the parliament human rights commissioner (Ombudsman) would be amended to enable this institution to become a National Preventive Mechanism.

A Law on Combating Trafficking in Human Beings (15 October 2011) defines governmental focal points responsible for coordination of state policy on countering trafficking in human beings, and establishes a procedure of granting the status of victims of trafficking. The State Programme on Combating Trafficking in Human Beings up to 2015 was prepared and its concept was approved on 15 February 2012. The Ministry of Social Policy was appointed as the main agency responsible for the implementation of the National Referral Mechanism for Victims of Trafficking in accordance with the Law on Combating Trafficking in Human Beings and as the main coordinating agency for the implementation of the State Programme.

On 13 April 2012, the Parliament adopted a new Criminal Procedure Code, which includes a set of measures that strengthen the protection of the right to liberty and are intended to reduce the number

of people in pre-trial detention. It strengthens the role of the defence in criminal cases and increases safeguards for detainees by ensuring timely access to a lawyer and a doctor, and by specifying that the judge who takes the decision on detention must react to allegations of torture and other ill-treatment. The President indicated he would sign the document into law after it had been reviewed by “international experts”.

Right to health

The Constitution of Ukraine, Title II, sets out the Human and Citizens’ Rights, Freedoms and Duties. Art. 49 provides that everyone should have the right to health protection, medical care and medical insurance. Effective medical services shall be accessible to all citizens. State and communal health protection institutions shall render medical care free of charge.

A new law amending the 2001 law “On fighting tuberculosis” was adopted on 23 March 2012. It reflects the *Patients Charter for Tuberculosis Care*, which outlines internationally recognized rights and responsibilities of people with tuberculosis (TB). The new legislation establishes a legal procedure for the organization of treatment which allows sick persons to choose between in-patient or out-patient treatment, and bans the sale of anti-tuberculosis medical drugs without a prescription.

HIV-AIDS

In December 2010 the Parliament passed an HIV/AIDS law containing extensive provisions for the protection of human rights of people living with HIV. The provisions concern HIV testing; prevention of HIV infection; treatment, care and support of people living with HIV; financial and logistics supply of national and other programmes; legal and social support of people living with HIV. Ukraine has removed all explicit legal restrictions or barriers to the implementation of HIV/AIDS programmes and services.

Rights of persons with disabilities

On 22 December 2011 the Law on Amendments to Several Laws of Ukraine on the Rights of People with Disabilities was adopted, enabling further harmonization of domestic laws with the UN Convention on the Rights of People with Disabilities. Thus, the terms “person with disabilities”, "discrimination on the basis of disability," "reasonable accommodation" and "universal design" are defined in line with the Convention. The law also established requirements for all institutions to ensure the accessibility of physical infrastructure, transport, and information.

Property rights (land)

In 2011 Ukraine adopted a law on State Land Cadastre, which establishes a cadastral information system, with data on land parcel location and ownership, and which guarantees open access to basic property land information. Legislation to end the moratorium on land sale in January 2013 was also adopted in 2011.

C. Institutional and human rights infrastructure

Several UN agencies mentioned some negative effects of the Public Administration Reform launched on 9 December 2010. UNICEF indicated that problems related to restructuring of ministries and competence negatively affected policy making for children during most of 2011. IOM noted that prolonged administrative reform had reduced the capacities of the Government to implement counter-trafficking policies through the loss of focus on these issues as well as of previously trained personnel. UNHCR informed that while Ukraine has undertaken a raft of legislative and administrative initiatives with the potential to improve the quality of asylum, frequent administrative shuffles have inhibited steady progress. During these reforms, the

authorities have not ensured unimpeded access to the asylum procedure, thus leaving vulnerable asylum-seekers without documentation and subject to fines and detention.

II. Promotion and protection of human rights on the ground

Rights of children

UNICEF mentions that the National Plan of Action for Children to Implement the UN Convention on the Rights of the Child till 2016 (NPA) received much better financing in 2011 than in 2010. A major portion of this funding was allocated to finance programmes for children with disabilities.

UNICEF also notes that progress was achieved in harmonizing national legislation with the UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography as recommended by the UN Committee on the Rights of the Child in 2007 and 2011. A draft law to combat child prostitution and criminalize the use of sex services provided by children is in the process of registration in Parliament. The draft law suggests introducing changes to the eight active laws. Also, in November 2011, the President introduced to the Parliament for ratification the Council of Europe Convention on Protection of Children from Sexual Exploitation and Sexual Abuse.

UNICEF indicates that as a result of the Public Administration Reform launched in December 2010, the Ministry of Family, Youth and Sport (MoFYS) was abolished. Several Decrees signed by the President in April–July 2011 transferred the responsibility for family and child policy to the Ministry of Social Policy (MSP). At the same time, the Ministry did not assume the responsibility for family and children before November 2011, when the Department for Adoption and Protection of Child Rights and Department for Family and Gender Policy from the former MoFYS were integrated into the MSP. As a result of this situation, according to UNICEF, for almost a year policy making for children remained stagnant. At the same time, the work on strategic policy documents for children including the Child Care Reform is underway.

An increasing number of alternative care options such as adoption, foster care and family type child care facilities are seen by UNICEF as a positive trend. However, a structural reform has not taken place to build a system which discourages institutionalisation of children. UNICEF mentions that the child care system does not adequately address the prevention of abandonment and reintegration of children with their biological families. Besides, while the state social services provide care for vulnerable pregnant women at maternity wards, this is not effective in preventing abandonment of newborns at birth, especially among socially vulnerable women. A cumbersome court process is required for parents to restore their parental custody rights once the parental custody is taken away.

UNICEF notes a lack of consensus about the directions of child care reform and implementation modalities among the different line ministries as evidenced by the Prime-Minister's Order issued in July 2010 aiming to expand the network of institutions for children, develop a "new type" of institution and consider placement of children from low-income families in internats. This policy decision resulted in increased placement of children from low-income families in the residential institutions for children orphans and children deprived of parental care based on application from their parents.

In Ukraine, there is no Juvenile Justice System with separate courts or a specific law for juveniles. The judiciary system lacks special expertise to work with minors and the whole process and approach is, according to UNICEF, punitive rather than supportive. There is no systematic diversion or probation scheme established. Therefore, the system offers only all or nothing: detention during the whole process or being sent home in case the offence is minor without any follow up support. The judicial system has very little to offer in the form of rehabilitation of juveniles and even when a juvenile is given a non-custodial sentence, supportive social services are often lacking. A concept

on the Development of a Criminal Justice for Minors was endorsed by the President of Ukraine on 23 May 2011. In October 2011 the Cabinet of Ministers of Ukraine has approved the State Action Plan for the Implementation of the Concept. The approval of the Concept and its action plan are considered by UNICEF to be major steps forward in the process of the juvenile justice reform in Ukraine.

UNHCR notes that unaccompanied minor asylum-seekers frequently lack access to the asylum procedure due to problems with appointment of legal representatives, as well as to the currently unregulated approach to age assessment.

Migration/asylum/statelessness

UNHCR welcomes the Presidential Decree “On the Concept of the State Migration Strategy,” (30 May 2011) which takes an inclusive, rights-oriented approach toward migration management. The law “On Refugees and Persons in Need of Complementary or Temporary Protection in Ukraine” (July 2011), also introduces positive changes. At the same time, it is viewed by UNHCR as falling short of international and EU standards: it has a narrow definition of complementary protection leaving out persons who left their country owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence; it leaves broad scope for the authorities to reject asylum applications at a preliminary stage of consideration; it provides unrealistically short time limits for appeal (5 working days).

UNHCR emphasizes the need for effective protection against *refoulement*. Asylum-seekers in Ukraine face a particular risk of *refoulement* in the context of administrative detention, in extradition proceedings and at the point of access to the territory. It notes that while persons in administrative detention or under extradition arrest may have access to the asylum procedure, their applications are frequently rejected as manifestly unfounded, and in some cases, deportation is started before they have the chance to appeal against this negative decision. Authorities also refuse access to the territory to persons who express their need for refugee protection at border points, exposing them to *refoulement*. UNHCR indicates that these persons’ claims of persecution are seldom given the “independent and rigorous scrutiny” required by the jurisprudence of the European Court of Human Rights.

UNHCR mentions that Ukraine has insufficient capacity to receive asylum-seekers. While the country receives an average of 1,500 asylum applications per year, only 320 spaces are available in temporary accommodation centres. Most asylum-seekers are left to fend for themselves. The authorities do not provide language courses, social assistance, or employment assistance to facilitate integration. The State Migration Service lacks adequate funding to meet the basic procedural standards for asylum as set by law, so, for example, no interpretation services are provided. The Department of Refugee Affairs lacks institutional autonomy in taking decisions on refugee status, creating space for other state priorities to influence who is recognized as a refugee in Ukraine.

Equality and non-discrimination

IOM reports that 23 suspected racially motivated attacks occurred 2011 – almost a three-fold increase from 2010, but that none of them were found by the police to fall under article 161 of the Criminal Code, which lays down responsibility for deliberate actions aimed at the incitement of national, racial or religious enmity or hatred.

IOM notes that amendments to the Criminal Code have enhanced the criminal liability for violation of equality based on race and nationality (Art. 161), as well as for race-based murder (Art. 115) but there is still a lack of capacity to efficiently investigate and punish the perpetrators of the crimes.

IOM indicates that the Action Plan on Integration of Migrants into Ukrainian Society (2011-2015) and the Resolution on the Action Plan on Implementation of the State Migration Policy Concept for 2011-2015 contain certain provisions which, if implemented effectively, will have a positive impact on the level of racism and xenophobia in the country and allow migrants to more effectively integrate.

IOM notes that despite general anti-discrimination provisions prescribed by the Constitution and recent policy measures, sound protection of minorities will only be achieved with the adoption of a comprehensive anti-discrimination law. Other challenges preventing to effectively combat racism and discriminations include: the dissolution of the State Committee for Nationalities and Religions; of the Unit of the Ministry of Interior's Criminal Investigation Department mandated to investigate racist crimes; cuts in human and other resources of the Human Rights Monitoring Department of the Ministry of Interior; and the lack of institutional capacity and resources of the Ministry of Culture, which was entrusted with the mandate of promoting inter-ethnic dialogue.

Right to life, liberty and security

IOM welcomes the adoption in 2011 of the law "On Combating Trafficking in Human Beings" which offers state protection and guarantees to Ukrainian and foreign victims of trafficking (VoTs) and points out that while these legal provisions correspond to best international practices and standards, they require additional normative provisions to put them in practice.

IOM notes that no budget was allocated to counter-trafficking work and victim assistance in 2011 and that victim assistance is fully reliant upon international funding. It also mentions that the government re-organization of the Counter Trafficking Department of the Ministry of Interior resulted in a general drop in the number of cases opened under Art.149 of the Criminal Code ("Trafficking in Persons or Other Illicit Agreement with Regard to a Person") and thus in less people identified as victims.

Right to health

WHO notes that despite efforts, Ukraine has not been able to mobilize resources to guarantee equal access to core health services. People pay for a considerable volume of services and pharmaceuticals themselves. In 2009, out-of-pocket payments accounted for 37.4% of the total health expenditure. High health care costs are particularly detrimental for poorer segments of the population who end up postponing or not seeking medical treatment. Low-income patients are also more likely to be denied quality treatment due to inability to pay. All of this results in significant inequalities in access to adequate care. In 2009, 20.5% of households could not access necessary medical care.²

Despite efforts to improve tuberculosis (TB) control in Ukraine, access to adequate TB services remain a great concern. The TB burden in Ukraine is one of the highest in the WHO European Region, with multidrug-resistant TB as well as extensively drug-resistant TB and TB/HIV co-infection on the rise.

WHO mentions that the new tuberculosis law (2012) provides for compulsory isolation of infectious TB patients (Art. 11) who may thus be involuntary hospitalized for prolonged periods, and notes that such a practice risks contributing to rather than protecting against TB and multi-drug resistant TB.

A WHO assessment of TB Control (2010) observed dramatic conditions in penal institution: lack of drugs and treatment, overcrowding and absence of infection control measures for detainees as well

² WHO (2010): Health Systems in Transition, pp. 37-39, 42-46.

as staff. Multi-drug resistant-TB was treated with a selection of second line drugs estimated to cover 25% of the actual need. Due to shortages of laboratory consumables, only 20% of TB patients were tested for HIV and 80% received anti-retroviral treatment.

WHO notes that the current National Immunization Programme includes a number of mandatory vaccines e.g. TB, measles, rubella, polio, diphtheria. Nevertheless, vaccination coverage has dropped significantly in recent years, leading to severe disease outbreaks. WHO estimates that the coverage may have decreased by up to 30–40% and that a declining number of children receive immunization.

Mother and child health has received much attention in Ukraine and significant progress has been made on the issue in the past years, according to WHO. The “Reproductive Health of the Nation for 2006-2015 years” is one of the main regulatory documents aimed at improving reproductive health of men and women and at contributing to the achievement of MDG 4 (reducing child mortality) and MDG 5 (improving maternal health). According to official records, mother and child mortality have halved since Ukraine’s independence, indicating increased availability of and access for women to health care services. However, WHO considers the maternal mortality rate to be underestimated, undercounting being due to the punitive nature of the control system, which encourages health workers to disguise poor health outcomes.³

WHO welcomes that contraception and abortion services are legal in Ukraine but notes that access to high-quality services remains limited, especially for vulnerable groups (HIV-positive, IDUs, CSWs, imprisoned women, victims of sexual assault). The rights to confidentiality, equity, dignity and privacy are often violated by health care personnel due to limited understanding of medical ethics and basic principles of reproductive rights, as well as scarce counseling skills.⁴

HIV-AIDS

Ukraine continues to experience a severe epidemic, with a prevalence of HIV infection in adults estimated at 0.76% and the number of people living with HIV totaling around 234,000 in 2011. In 2011, Ukraine reported the highest ever number of AIDS deaths - 3,736, while the estimated number of AIDS related deaths for the same year is even much higher – around 22,000. Tuberculosis (TB) related mortality among PLWH continues to grow with currently 76% of AIDS associated deaths occurring due to TB. Scaling up of opioid substitution therapy is slow. Unsafe drug use continues to stay one of the leading drivers of the HIV transmission in Ukraine (31% of reported cases in 2011), with 22% of the HIV prevalence among people who inject drugs (IDUs). Vulnerability of women to HIV infection continues to increase with 46% of all the new HIV cases being reported among women. Antiretroviral treatment (ART) is provided to only 25% of people that are estimated to be in need of such life-saving treatment. It is estimated that six out of ten people who die of AIDS had no access to ART. (*Ukraine Harmonized AIDS Response Progress Report, 2012*).

UNAIDS notes increased political commitment of Ukraine to respond to the HIV epidemic in a comprehensive and multisectoral manner, as well as progress in scaling up efforts to achieve universal access to HIV prevention, treatment, care and support for all those who need it by 2015 in accordance with global commitments.

UNODC and UNDP indicate that Ukraine has laws and policies that support harm reduction and the most rapidly growing substitution treatment programme of any country of the former Soviet Union (except the Baltic States) with 6,678 people in treatment on 1st March 2012. Human rights education

³ WHO (2010): Health Systems in Transition, Ukraine. p.11.

⁴ Ukrainian Center for Social Reforms and the State Statistical Committee of Ukraine (2008): Demographic and Health Survey Ukraine 2007; MOH/WHO (2008), Abortions and Contraception in Ukraine: Strategic Assessment of Policy, Programmes and Research.

campaigns have reached a number of people affected by HIV in Ukraine and there are a few examples of individuals having been able to secure out-of court settlements for civil damages to address HIV-related human rights violations.

UNAIDS and UNICEF state that Ukraine made progress with one target of the Millennium Development Goals for HIV/AIDS, namely the reduction of the mother-to-child transmission rate of HIV. Other targets of MDG 6 related to HIV/AIDS and TB, are, in their view, not likely to be met by 2015. Meeting the MDG on HIV/AIDS is seriously hampered by a huge shortfall in government financing. The government allocations for HIV/AIDS in 2009 fell 40% short of the amount budgeted for 2009 in the State AIDS Programme. Poor coordination of the national HIV/AIDS response and weak inter-ministerial cooperation between different responsible ministries further weaken the response and are issues of great concern.

According to the Comprehensive External Evaluation of the National AIDS Response in Ukraine (2009), stigma and discrimination remain pervasive. There are reports of HIV positive children being denied access to education, and being kept, for those without parental care, in infectious disease hospital wards. There are also reports of people who inject drugs report being denied HIV services, including antiretroviral treatment, and HIV positive women being counseled to terminate their pregnancy rather than undergo treatment for prevention of mother-to-child transmission.

While Ukraine does provide opioid substitution therapy, UNAIDS and UNDP note that it does not have legal provisions that define the key principles of substitution therapy programmes and guarantee that the state will provide them. As a result, these programmes cover only a fraction of the people who inject drugs and provide a minimal package of prevention and care services.

UNAIDS, UNDP and WHO find that, while protection against disclosure of HIV status to third parties is guaranteed by the national legislation, drug treatment clinics are required to officially register drug users and to share this information with law enforcement agencies. This inevitably keeps drug users from seeking healthcare or drug treatment services.

UNODC mentions that the health department of the Penitentiary System fails to provide adequate health care, including opioid substitution therapy, ART, voluntary drug dependence treatment and sterile injecting equipment in prisons and detention facilities. Furthermore, HIV/AIDS prevention programmes do not take sufficient account of the needs of drug depended inmates in the facilities of the State Penitentiary Service: the Substitute Methadone Therapy or other evidence-based methods of treatment of drug dependence (with the exception of detoxification) are prohibited, as is distribution and exchange of syringes.

UNAIDS notes that the failure to respond adequately to the human rights and public health needs of lesbian, gay, bisexual, and transgender (LGBT) people is one of the key reasons for the advance of the HIV epidemic in Ukraine. Legislative initiatives have appeared, aimed at establishing a legal framework to combat 'propaganda of homosexuality' in the media. If adopted, they would violate the protections on freedom of expression and assembly, create an environment of state-promoted discrimination against LGBT people, and restrict people's access to information.

Women's rights, gender equality, domestic violence

Pursuant to a 2005 law "On Ensuring of Equal Rights and Opportunities for Women and Men" the Government took steps towards institutionalisation of a National Gender Machinery, which consists of legal documents, parliamentary and governmental bodies, advisory bodies and non-governmental agencies. In 2010, a Gender Advisor to the Prime Minister was appointed. However, UNDP notes that the Administrative Reform initiated in December 2010 resulted in the disintegration of the central executive body in charge of gender issues. The process of institutional reorganization and

transfer of responsibilities lasted for 11 months (Dec 2010-November 2011), leading to the suspension of functioning of the majority of National Gender Mechanism elements.

In 2011 Ukraine was ranked 57 among 146 assessed countries by the UNDP Gender Inequality Index. While constituting 54% of the Ukrainian population, women account for 8.1% of parliamentarians. No women are represented among the 25 appointed governors. One woman was appointed to the Cabinet of Ministers in the past two years (February 2012). Official statistics for January 2012 put the salary gap between men and women at 25%. The MDG goal of 30 % of women in the Parliament and Government will hardly be achieved, according to UNDP.

UNDP mentions that in 2010-2011 the first 5 departments on gender studies were established in Ukrainian Universities. Along with the network of gender education centres, they are expected to contribute to a gender-sensitive approach of the academic culture as well as stimulation of applied gender research. Gender curricula were incorporated in several pedagogical universities and the National Academy of Public Administration.

While there are no reliable statistics on the scale of domestic violence in Ukraine, a sociological survey commissioned by UNDP in 2010 found that 44 % of the population suffered from domestic violence at least once in their lives. A UNDP research conducted in 2011 found that Ukraine had 9 centres for medical and social rehabilitation of survivors of domestic violence and no comprehensive service delivery system to the survivors of violence. Besides, access to services is often hindered by the lack of updated information about relevant centres and institutions.

The law “On prevention of family violence” (2001), which offers a legal framework to protect victims, has positive aspects, but also, according to UNDP, a number of drawbacks. They include a narrow definition of domestic violence, limited to “family violence” and exclusion of criminal responsibility for the offender. There is a lack of relevant statistical information in the area of domestic violence prevention and response, including disaggregated data by sex, age and other relevant information; a weak referral system for victims of violence; and insufficient cooperation and coordination between governmental bodies.

Rights of older persons

While there is no international legal instrument on the rights of older persons, UNFPA stresses that older persons are full-fledged bearers of all human rights in accordance with the UN Principles for Older Persons on independence, participation, care, self-fulfillment and dignity. Ukraine is signatory to the Madrid International Plan of Action on Ageing (MIPAA), a global strategy built around the rights of older persons and striving for a society for all ages. Ukraine does not have a dedicated law on the rights of older persons, but addressing ageing-related socioeconomic and cultural issues was included as one of the main objectives of the national "Strategy of Demographic Development of Ukraine" (2006-2015). The document seeks to adapt Ukrainian society to the process of demographic ageing and ensure harmonious integration and interaction between various generations. While the line ministry for population ageing issues is the Ministry of Social Policy, UNFPA notes that each component of the strategy is being implemented by a designated central executive authority, and that there is no information on monitoring, analysis or reporting with regard to its implementation.

Rights of persons with disabilities

To implement the provisions of the UN Convention on the Rights of People with Disabilities, the Action Plan for the establishment of a barrier-free living environment for people with disabilities and other low mobile populations in 2009-2015 (“Barrier-free Ukraine”) was approved by the Cabinet of Ministers in 2009. The Government also adopted the Concept of a National Programme: "National Action Plan for Implementation of the Convention on the Rights of People with

Disabilities, and the Development of Rehabilitation till 2020". In December 2011, a Law on Amendments to Several Laws of Ukraine on the Rights of People with Disabilities enabling further harmonization of domestic laws with the UN Convention on the Rights of People with Disabilities was adopted. Despite a sound legislation framework, UNDP notes that the process of adapting buildings, living environment, and transport for people with disabilities is very slow. Besides, while a quota for the employment of disabled people is assigned for enterprises (4 %) vacancies submitted to the state employment service employers are classified as "vacancies" and "vacancies for the disabled". The latter are assumed to apply to low-skilled employees and propose low salaries.

Property rights (land)

Despite relatively well developed legislative and policy frameworks, UNDP states the actual level of protection of property rights in Ukraine remains low. The process of registration of land plots is long and property rights registration is not systematic. A Decree of the Cabinet of Ministers (1 August 2011) stipulates that title documents for land are granted by the State Agency of Land Resources on a commercial service basis, a norm which puts the poor at a disadvantage to implement their property rights. There is a tendency not to execute court rulings on payment or returning property where the debtor is a state body or institution. A complicated mechanism of free transfer of land plots to citizens creates opportunities for corruption.

Environmental rights

While the Constitution of Ukraine guarantees environmental rights, the Law "On Environmental Protection" adopted in 1991 became the legal basis for the realization of environmental rights of citizens. Ukraine is a party to 17 international conventions and more than 40 protocols in the area of environmental protection. Despite a solid legislative basis, environmental rights are not yet accorded necessary importance, according to the UNDP. There is no proper implementation of the Aarhus Convention. Difficulties exist in obtaining information with regard to the implementation of the Kyoto Protocol to the UN Framework Convention on Climate Change. Lack of monitoring of the implementation of international agreements, low level of public awareness on environmental rights and limited court practice hinder realization of environmental rights. The latest Annual Report on the environmental situation in country was prepared by the Ministry of Ecology and Natural Resources in 2008.

III. Capacity building and technical assistance (Assistance provided and/or recommended by UN entities)

UNCT agencies provided technical assistance and capacity-building at national and sub-national level. They will continue doing so, as per the Ukraine-UN Partnership Framework 2012-2016. These include interventions in the social, economic, environmental, migration and governance areas, which have direct impact on the human rights issues addressed above.