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Ukraine

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1969) ICESCR (1973) ICCPR (1973) ICCPR-OP 2 (2007) CEDAW (1981) CAT (1987) OP-CAT (2006) CRC (1991) OP-CRC-AC (2005) OP-CRC-SC (2003)	CRPD (2010)	ICRMW CPED
<i>Reservations, declarations and/or understandings</i>	ICERD (Declaration, art. 17.1, 1969) ICESCR (Declaration, art. 26.1, 1973) ICCPR (Declaration, art. 48.1, 1973) OP-CRC-AC (Declaration, art. 3.2, 2005) ³		
<i>Complaint procedures, inquiry and urgent action⁴</i>	ICERD art. 14 (1992) ICCPR art. 41 (1992) ICCPR-OP 1 art. 1 (1991) OP-CEDAW arts. 1 and 8 (2003) CAT arts. 20, 21 and 22 (2003)	OP-ICESCR arts. 1, 10 and 11 (signature only, 2009) OP-CRPD arts. 1 and 6 (2010)	OP-CRC-IC arts. 5, 12 and 13 ICRMW arts. 76 and 77 CPED arts. 30, 31, 32 and 33

2. Other main relevant international instruments⁵

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Rome Statute of the International Criminal Court
	Palermo Protocol ⁶		Convention on stateless persons ¹¹
	Convention on refugees ⁷		ILO Convention No. 169 ¹²
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto, except Protocol III ⁸	Protocol III ¹⁰	ILO Convention No. 189 ¹³
	ILO fundamental conventions ⁹		
	UNESCO Convention against Discrimination in Education		

1. The Committee on the Elimination of Discrimination (CEDAW), the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Racial Discrimination (CERD) encouraged Ukraine to ratify ICRMW and CPED.¹⁴

2. CERD encouraged Ukraine to ratify OP-ICESCR and ILO Convention No. 169.¹⁵

3. UNHCR, CERD and CRC recommended the ratification of the 1954 Convention on Status of Stateless Persons and the 1961 Convention on Reduction of Statelessness.¹⁶

4. CRC recommended that Ukraine accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.¹⁷

B. Constitutional and legislative framework

5. In 2011, CRC urged Ukraine to review domestic legislation to ensure its compliance with CRC and recommended the adoption of a child rights act.¹⁸

C. Institutional and human rights infrastructure and policy measures

6. CRC urged Ukraine to ensure effective implementation of the National Plan of Action for Children (2010-2016) and to allocate sufficient funding for its implementation.¹⁹

7. In 2009, the Working Group on Arbitrary Detention (WG) recommended that Ukraine further strengthen the Ombudsperson's Office, including by providing it with the necessary resources.²⁰

8. WG recommended that Ukraine establish a National Preventive Mechanism.²¹

Status of national human rights institutions²²

<i>National human rights institution²³</i>	<i>Status during previous cycle</i>	<i>Status during present cycle</i>
Ukrainian Parliament Commissioner for Human Rights	B status (2008)	A status (March 2009)

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²⁴

9. In 2010, Ukraine prepared and submitted its mid-term report regarding the follow-up of the recommendations put forward during the UPR, which was held in 2008.²⁵

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2006	2010	August 2011	Twenty-second and twenty-third reports due in 2014
CESCR	November 2007	2011	--	Sixth report pending consideration
HR Committee	November 2006	2011	--	Seventh report pending consideration in November 2012
CEDAW	June 2002	2008	January 2010	Eighth and ninth reports due in 2014
CAT	May 2007	--	--	Sixth periodic report overdue since 2011
CRC	October 2002	2008	February 2011	Fifth and sixth reports due in 2018
CRPD	--	2012	--	Initial report pending consideration

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2007	Torture in pre-trial detention facilities; overcrowding in detention and prison facilities; attacks against journalists; violence and discrimination against minorities. ²⁶	2008 and 2009
CAT	2008	Torture and ill-treatment of suspects; monitoring detention facilities; violence against minorities and others; harassment and violence against civil society members; and risk of torture upon return. ²⁷	2009 (further information was requested) ²⁸
CEDAW	2012	Human trafficking; and women's participation in political and public life. ²⁹	--

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2012	Anti-discrimination legislation; discrimination against non-citizens; and Roma identification papers. ³⁰	—

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
CAT	1 ³¹	Dialogue ongoing
HR Committee	2 ³²	Dialogue ongoing

Country visits and/or inquiries by treaty bodies

<i>Treaty body</i>	<i>Date</i>	<i>Subject matter</i>
SPT	May 2011	Report confidential ³³

B. Cooperation with special procedures³⁴

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Special Rapporteur on the sale of children (22-27 Oct. 2006) Special Rapporteur on the adverse effects of toxic wastes (22-30 Jan. 2007) Special Rapporteur on the right to freedom of opinion and expression (14-20 May 2007)	WG on arbitrary detention (22 October-5 November 2008) ³⁵
<i>Visits agreed to in principle</i>		SR on food
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 14 communications were sent. The Government replied to 8 of these communications.	

10. In 2012, the Working Group on Disappearances noted that since its establishment it had transmitted four cases to Ukraine; of those, one has been clarified on the basis of information provided by the Government and three remain outstanding.³⁶

C. Cooperation with the Office of the High Commissioner for Human Rights

11. OHCHR technical cooperation activities funded by the Voluntary Fund for Technical Cooperation were implemented in Ukraine in 2010 and 2011.³⁷ In December 2011, a Human Rights Adviser was deployed to Ukraine.³⁸

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

A. Equality and non-discrimination

12. CERD urged Ukraine to accelerate the adoption of an anti-discrimination act stipulating the definition of direct/indirect and de facto/de jure discrimination.³⁹

13. In 2010, CEDAW was concerned about traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society and about sexist representation of women in media and advertisements.⁴⁰ CEDAW recommended that Ukraine implement temporary special measures, including quotas, to achieve gender equality in areas where women are underrepresented or disadvantaged and for women suffering from multiple discrimination, such as Roma women.⁴¹

14. CEDAW was concerned about high unemployment affecting women; wage discrepancies between women and men; occupational segregation; gender-based discriminatory attitudes among public and private employers, including discriminatory recruitment practices and sexual harassment at the workplace.⁴² Noting a high gender wage gap, ILO Committee of Experts urged Ukraine to amend the legislation to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.⁴³

15. CEDAW called upon Ukraine to amend the Equal Rights and Opportunities Act to strengthen the complaints and sanctions mechanisms and to bring the definition of discrimination against women into conformity with the Convention, by encompassing both direct and indirect discrimination.⁴⁴ CEDAW recommended that Ukraine strengthen the national mechanism for the advancement of women by raising its authority and provide it with adequate resources.⁴⁵ UNDP made a similar recommendation.⁴⁶ CEDAW also encouraged Ukraine to adopt a national plan of action with a comprehensive approach to gender equality and to allocate sufficient resources for its implementation.⁴⁷

16. Noting the adoption of the Plan of Action to Combat Xenophobia and Racial and Ethnic Discrimination (2010-2012), CERD recommended that Ukraine establish institutional mechanisms to counter racial discrimination and re-activate institutions which had ceased to be operational, particularly the Inter-departmental Working Group against Xenophobia and Ethnic and Racial Intolerance.⁴⁸ Furthermore, it recommended that Ukraine mandate the Parliamentary Commissioner for Human Rights with specific competence in the field of racial discrimination, in particular to process complaints and take measures in response to the victims' concerns of racial discrimination and ensure their access to the Commissioner's Office at the regional, district and municipal levels.⁴⁹

17. CRC was concerned at the reported increase in racially motivated offences.⁵⁰ UNCT made a similar observation.⁵¹ CERD was concerned about the reported growth of outreach activities by extremist organizations expanding their propaganda and using electronic social networks to address the youth.⁵² The Special Rapporteur on freedom of expression urged

Ukraine to take action to thwart the wave of racist violence.⁵³ CERD recommended that Ukraine establish civil and administrative liability for racial discrimination, including hateful opinions spread by the media and guarantee remedies and compensation to victims.⁵⁴ CERD urged Ukraine to: investigate hate crimes; ensure that the police do not engage in racial or ethnic profiling and bring perpetrators to justice.⁵⁵

18. UNICEF reported that children with HIV or disabilities were at high risk of abandonment, social stigma and discrimination. Most HIV-infected children were not allowed to attend kindergartens or schools, were treated negligently, and were kept isolated from other children.⁵⁶ CRC urged Ukraine to ensure that all children enjoy their rights without discrimination on any ground.⁵⁷

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

19. CRC was concerned about the significant number of allegations of ill-treatment of detainees and at the alleged cases of torture and ill-treatment of juveniles by Militsia officers and of migrant children in the custody of the State Border Guard Services.⁵⁸ Similarly, WG highlighted the reports of torture by the Militsia to extract confessions.⁵⁹ CAT reiterated its recommendation that Ukraine ensure that all detained suspects are afforded, in practice, all fundamental legal safeguards against torture and ill-treatment.⁶⁰ WG recommended that Ukraine ensure a policy of zero-tolerance of torture and that any related allegation is promptly and properly investigated.⁶¹ CRC made similar recommendations.⁶²

20. Noting with concern the high number of arrests, WG noted that persons were often arrested and held by the Militsia for a short period of time without the arrests being registered.⁶³

21. WG noted that the number of instances of resort to pre-trial detention remained high and that the lack of effective control by the judiciary over the detention process often led to prolonged detention on remand in difficult conditions.⁶⁴

22. WG noted that Ukraine had special detention facilities for vagrants and that the term “vagrant” was not defined by law and might apply to anyone who could not produce an identity document when stopped on the street by Militsia officers. Such persons could be held in administrative detention for up to 30 days without the involvement of a court. Furthermore, it indicated that this period of detention was also used to extract coerced confessions on criminal charges.⁶⁵

23. WHO expressed concern at the compulsory isolation of infectious tuberculosis patients provided in the new law. Involuntary isolation and detention were introduced not as a measure of last resort but to overcome the inability of the system to provide patient-centred treatment and community-based care, noted WHO.⁶⁶

24. WHO reported that access to health care for prisoners remained a challenge. It pointed to the lack of drugs and treatment and absence of infection control measures for detainees.⁶⁷

25. CEDAW remained concerned at the prevalence of violence against women.⁶⁸ UNDP reported that legislation narrows the definition of domestic violence to violence in the family and it also presupposes administrative, not criminal, responsibility for the perpetrator. A comprehensive service delivery system to domestic violence survivors was missing and the quality of services was low.⁶⁹ UNICEF made similar observations.⁷⁰ CEDAW urged Ukraine to work towards a comprehensive approach to preventing and addressing all forms of violence against women; ensure effective penalties in cases of domestic violence and access of victims of domestic violence to shelters and social centres

and to immediate means of redress and protection.⁷¹ UNDP recommended that Ukraine develop a national referral system to ensure the quality and accessibility of social services provided to survivors of violence.⁷²

26. Noting with concern an increase in abuse and neglect of children in all settings, CRC urged Ukraine to step up its efforts to prevent and combat all forms of abuse and neglect of children, adopt preventive measures and provide protection and services for their recovery.⁷³

27. CRC reiterated its concern that Ukraine has not incorporated a clear prohibition of child prostitution in legislation. It was concerned about the increase of sexual abuse, exploitation and involvement of children in prostitution and pornography; the high number of internet users of child pornography and small number of criminal cases initiated in this respect. It urged the Government to harmonize national legislation with OP-CRC-SC; prevent and combat such offences; strengthen the capacity of social workers and law enforcement agencies to detect and investigate such cases; and increase the number of rehabilitation centres specializing in assistance for child victims.⁷⁴

28. Expressing concern about the widespread use of corporal punishment, CRC urged Ukraine to end all forms of corporal punishment in the home and other settings by implementing the existing legislative prohibition.⁷⁵

29. CRC expressed concern about the large number of children below the age of 15 working in the informal and illegal economy and the number of children working in mines. CRC urged Ukraine to eliminate exploitative child labour, in particular in the informal sector and ensure effective enforcement of applicable sanctions against persons violating legislation on child labour.⁷⁶

30. CRC was concerned at the large number of children in street situations and their vulnerability to health-related risks, including in relation to substance and drug abuse, HIV/AIDS, sexual exploitation, forced labour and police violence. It recommended that Ukraine develop a national strategy for the prevention of, support for and social reintegration of such children and increase the number and quality of shelters and psychosocial rehabilitation centres for children in street situations.⁷⁷

31. In 2010, the ILO Committee of Experts noted that trafficked children were between 13 and 18 years of age. Considering the seriousness of the problem regarding trafficking in children, within and outside Ukraine, the ILO Committee of Experts requested Ukraine to redouble its efforts to combat the trafficking of children, for sexual and labour exploitation, including begging.⁷⁸

32. CRC remained concerned that Ukraine continued to be a large source country for human trafficking.⁷⁹ UNCT noted that victim assistance was fully reliant upon international funding.⁸⁰ CEDAW called upon Ukraine to address the root causes of trafficking, establish additional shelters for rehabilitation and social integration of victims and ensure systematic investigation, prosecution and punishment of traffickers.⁸¹ CRC also recommended that Ukraine seek technical assistance from UNICEF, IOM and other partners.⁸²

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

33. WG recommended that Ukraine provide the legal and operational framework for an independent and effective judiciary, including through appropriate recruitment.⁸³

34. CAT remained concerned that the Prosecutor's office performed prosecution and investigation functions. CAT reiterated its recommendation that the reform of the Prosecutor's Office should ensure its independence and impartiality and separate the

criminal prosecution functions from those of investigating alleged abuse.⁸⁴ WG made similar observations.⁸⁵

35. WG pointed to an assessment indicating that allegations of torture were neither properly addressed by the Prosecutor's Office nor generally excluded as evidence in trials.⁸⁶ WG recommended that Ukraine amend the Criminal Procedure Code to the effect that convictions exclusively based on confessions are inadmissible.⁸⁷

36. WG observed that no separate juvenile justice system existed.⁸⁸ UNICEF and UNCT made similar observations.⁸⁹ CRC was concerned about the slow pace of reform in the juvenile justice system, the risk of retrogression towards a punitive approach regarding children in conflict with the law, the high percentage of juveniles sentenced to imprisonment and long prison sentences for children aged 16-17 years, and the poor level of services and support for their social reintegration. CRC urged the Government to put in place a juvenile justice system; ensure a restorative juvenile justice system promoting alternative measures to deprivation of liberty and strengthen the social support services.⁹⁰ WG made similar recommendations.⁹¹

37. WG highlighted the fact that the legal aid system was ineffective and that detainees were often not aware of their right to defence from the moment of arrest. It also reported the absence of an overall bar association.⁹² CAT noted that persons deprived of their liberty were frequently denied the right to consult a lawyer in private.⁹³ WG recommended that Ukraine: (a) ensure that in practice all detainees have recourse to lawyers from the moment of arrest and (b) legally enact a Bar Association with an independent and effective mandate.⁹⁴ UNCT reported that a new Criminal Procedural Code of 2012 strengthened the role of defence in criminal cases and ensured timely access to a lawyer for detainees.⁹⁵

D. Right to privacy, marriage and family life

38. CEDAW was concerned about disparities in the minimum age of marriage for boys and girls (18 and 17 respectively). It called upon Ukraine to raise the minimum age of marriage to 18 for girls.⁹⁶ CRC recommended that Ukraine increase the exceptional minimum age of marriage to 16 with a clear definition of exceptional circumstances and establish a legal minimum age for sexual consent.⁹⁷

39. CRC urged Ukraine to ensure that free and compulsory birth registration of all children is effectively made available, regardless of ethnicity and social background.⁹⁸ CRC recommended that Ukraine amend legislation to guarantee the right of the child to a nationality and not to be deprived of it on any ground and regardless of the status of his/her parents.⁹⁹

40. CRC was concerned at the large numbers of children deprived of their family environment and at the lack of sufficient State services to protect and assist families with children. It was also concerned that the Family Code condones the abandonment of children born with disabilities. CRC was also concerned about children deprived of their family environment due to poverty, unemployment, breakdown of families and labour migration and at the large number of children in residential care.¹⁰⁰ UNICEF reported that the child care system did not adequately address the prevention of abandonment, or the reintegration of children with their biological families. UNICEF noted the adoption of the National Plan of Action for Children in 2009 and an increasing number of alternative care options. However, a structural reform to build a system which discourages institutionalization of children is yet to take place, noted UNICEF.¹⁰¹ CRC urged Ukraine to strengthen its deinstitutionalization policy and expand the placement of children in extended and foster families and other family-type placements.¹⁰²

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

41. CAT noted the reports about the increase in attacks on the media and crackdown on freedom of expression.¹⁰³ In 2008, the Special Rapporteur on freedom of expression urged Ukraine to guarantee that crimes against media professionals and opinion-makers will not go unpunished.¹⁰⁴ The Special Rapporteur also called for a broad and comprehensive revision of media legislation, especially on TV and radio broadcasting, to increase TV and radio broadcasting bodies' independence from political lobbies.¹⁰⁵

42. In 2011, the Special Rapporteur on human rights defenders expressed concern at the reported increase of violence and other forms of harassment against human rights defenders.¹⁰⁶ The Special Rapporteur urged Ukraine to ensure that human rights defenders do not face harassment or discrimination and to create a safe environment conducive to their work.¹⁰⁷

43. UNDP reported that no significant increase in women's political representation had been observed in the past four years.¹⁰⁸ CEDAW reiterated its concern about under-representation of women in high-level elected and appointed bodies and about the delay in adopting the Bill ensuring equal opportunities for women and men in the electoral process.¹⁰⁹ CEDAW urged Ukraine to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures.¹¹⁰ UNDP made a similar recommendation.¹¹¹

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

44. In 2011, the ILO Committee of Experts noted that wage arrears increased in 2008 and 2009 and the situation continued to worsen.¹¹²

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

45. CEDAW expressed concern that the high level of poverty affects women disproportionately. It recommended that Ukraine use a gender-sensitive approach in all poverty alleviation programmes.¹¹³

46. CRC was concerned that the highest incidence of poverty was registered among families with many children or children under the age of three.¹¹⁴ UNICEF made similar observations.¹¹⁵ CRC recommended that Ukraine ensure that poverty reduction reforms focus on social assistance and benefit to low-income families and on child protection. It urged Ukraine to address poverty in families with children in the Poverty Reduction and Prevention Programme.¹¹⁶

H. Right to health

47. CRC was concerned at the low budgetary allocation to the health sector; the insufficient infrastructure of the primary health-care system and at the high costs of health-care services.¹¹⁷ WHO stated that high health care costs were particularly detrimental for poorer segments of the population and resulted in inequalities in access to adequate health care. WHO also noted the persistent shortage of supply of certain drugs and a significant drop in vaccination coverage.¹¹⁸

48. CEDAW remained concerned about the health situation of women, particularly with respect to reproductive health; the high rate of abortions and HIV/AIDS infection.¹¹⁹ WHO reported that access to contraception and abortion services remained limited.¹²⁰

49. CRC was concerned that infant, child and maternal mortality remained high.¹²¹ UNICEF made similar observations.¹²² CRC was concerned about the deterioration in adolescent health, the increase in certain sexually transmitted diseases and the high number of teenage abortions.¹²³ CRC was also concerned at increasing drug injection among children and early initiation age of tobacco and alcohol use. It recommended that Ukraine develop specialized youth-friendly drug-dependence treatment and harm-reduction services, ensure that criminal laws do not impede access to such services and address root causes of substance use and abuse among children and youth.¹²⁴

50. CRC was alarmed at the high rates of HIV infections and AIDS-induced deaths among children and the high proportion of mother-to-child transmissions. It was also concerned at the lack of access to care and support services for children living with HIV/AIDS.¹²⁵ UNICEF made similar observations.¹²⁶ CRC recommended that Ukraine effectively implement the national plan and strategy for HIV prevention among children and youth by allocating adequate public funding and resources to these programmes.¹²⁷

51. UNCT reported that Ukraine had made progress with one MDG target for HIV/AIDS, namely the reduction of the mother-to-child transmission rate of HIV. However, it expressed the view that other MDG targets related to HIV/AIDS were not likely to be met by 2015.¹²⁸ While noting improvement in the national response to HIV, WHO stated that antiretroviral treatment coverage remained low and access to HIV services for injecting drug users (IDUs) was limited.¹²⁹ WHO stated that high health care costs, health system inefficiencies and medical supply shortages constituted the greatest challenges in ensuring access to HIV prevention, treatment and care.¹³⁰

52. WHO also highlighted reports on police harassment and a risk of arrest for IDUs visiting harm reduction services. Drug treatment clinics were required to register drug users and to share this information with law enforcement agencies, which kept drug users from seeking healthcare or drug treatment services. Furthermore, it was feared that recent criminalization of the possession of small amounts of drugs would result in IDUs avoiding HIV prevention services, noted WHO.¹³¹ In 2011, the Special Rapporteur on health sent a communication to Ukraine concerning allegations of interference by law enforcement agencies with the provision of substitution maintenance therapy to drug dependent patients. Concern was expressed about the reports of the negative impact that the alleged interference by the law enforcement agencies in the drug dependent patients' confidential data was having on the progress achieved so far in the HIV/AIDS programme and substitution maintenance therapy.¹³² The Government provided a detailed reply to this communication.¹³³

I. Right to education

53. CRC was concerned at the reduction in educational facilities, which limited access to education for children in rural areas, Roma children and children with disabilities and at the decrease in the number of preschools. CRC reiterated its concern over the inadequate funding of the public education system, the low salaries of teachers and the poor quality of the educational infrastructure. CRC recommended that Ukraine ensure adequate funding for the public education system; improve availability, accessibility and the quality of general education in rural areas; and seek assistance from UNICEF and UNESCO.¹³⁴

54. While noting compulsory human rights education at the ninth grade level, CRC was concerned that human rights and intercultural understanding and tolerance did not feature

among the fundamental principles of education in the State party. CRC urged Ukraine to develop a national plan of action for human rights education.¹³⁵

J. Persons with disabilities

55. UNDP noted the adoption of amendments to several laws on the rights of persons with disabilities, which provided for further harmonization of laws with CRPD and the approval of the action plan for the establishment of a barrier-free living environment for people with disabilities for 2009-2015. UNDP reported however that implementation of policies and adopted regulations remained poor, particularly owing to the lack of funding. UNDP recommended that Ukraine adopt the National Programme for Implementation of CRPD and the Development of Rehabilitative Systems and ensure proper enforcement of legislation.¹³⁶

56. CRC was concerned at the inadequacy of educational, social and health services for children with disabilities. It regretted that the obstacles remained in ensuring equal access to education for children with intellectual disabilities and that many children with disabilities were placed in institutions.¹³⁷ CRC recommended that Ukraine develop a comprehensive policy for the protection of the rights of children with disabilities and their equal access to educational, social and other services in their own family and community environment and introduce inclusive education to promote the social integration of children with disabilities.¹³⁸

K. Minorities and indigenous peoples

57. CRC was concerned at the absence of measures to solve problems faced by ethnic minorities.¹³⁹ CERD noted with concern reports alleging that the communities of Krymchaks and Karaites were on the verge of extinction. It urged Ukraine to adopt special measures to preserve the language, culture, religious specificities and traditions of those communities.¹⁴⁰

58. CERD remained concerned at alleged difficulties experienced by Crimean Tatars, including a lack of access to land and employment; insufficient possibilities for studying their mother tongue; hate speech against them; lack of political representation and access to justice and restitution and compensation for the loss of private dwellings and farmlands upon deportation. CERD recommended that Ukraine ensure the restoration of political, social and economic rights of Tatars in the Crimea, in particular the restitution of property.¹⁴¹

59. CRC was concerned at the obstacles that Roma and Crimean Tatar children faced in accessing education, health care and other social services.¹⁴² CERD was concerned at the limited availability of educational materials for education in, and on, Roma language and culture and by reports of the enrolment of Roma children in special classes. It recommended that Ukraine provide education to Roma children, and on Roma language and culture.¹⁴³

60. Noting with concern the problems with identification documents for Roma, CERD urged Ukraine to issue identification documents to all Roma to facilitate their access to the courts, legal aid, employment, housing, health care, social security, education and other public services.¹⁴⁴ CRC made similar observations.¹⁴⁵

61. CERD was concerned that the status of a community considering themselves to be Ruthenians was unclear. CERD recommended that Ukraine respect the right of persons and

peoples to self-identification and consider the issue of the Ruthenians' status, in consultation with their representatives.¹⁴⁶

62. CERD urged Ukraine to adopt legislation to protect indigenous peoples and guarantee their economic, cultural and social development.¹⁴⁷

L. Migrants, refugees and asylum seekers

63. While noting improvements made in the new Law on Refugees and Persons in Need of Complementary or Temporary Protection,¹⁴⁸ UNCHR and UNCT nevertheless underlined the following shortcomings of the law: (i) it did not provide complementary protection for persons who have left their country because of serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order; (ii) it left a wide scope for the authorities to reject asylum applications at the preliminary stage of consideration and (iii) it provided a short time for appeal of negative decisions. UNHCR recommended that Ukraine adopt amendments to the refugee law to bring it fully into compliance with international standards.¹⁴⁹

64. UNHCR highlighted the following challenges with respect to refoulement: (i) asylum applications for persons in administrative detention were frequently rejected as manifestly unfounded, and in some cases they were deported before being given a chance to appeal against the negative decision and (ii) the central asylum authority frequently rejected applications from persons under extradition arrest as manifestly unfounded.¹⁵⁰ UNHCR recommended that Ukraine ensure protection against refoulement for persons in administrative detention and under extradition arrest by admitting them through the full procedure for refugee status determination and conducting scrupulous assessments of their need for international protection.¹⁵¹

65. UNHCR was also concerned that (a) the Department of Refugee Affairs did not have sufficient autonomy and lacked budgetary control; (b) a decision on refugee status/complementary protection must be counter-signed by multiple officials who were not trained in refugee status determination; (c) asylum seekers were sometimes denied access to the procedure unless they brought their own interpreters, as the Government does not provide for interpretation services.¹⁵²

66. UNCHR recommended that Ukraine ensure that procedures for refugee status determination meet international standards by inter alia providing the Department of Refugee Affairs with sufficient autonomy and resources to make high-quality decisions on the basis of thorough interviews and assessments by well-trained staff.¹⁵³ CERD made similar recommendations.¹⁵⁴

67. CERD was concerned that the number of refugee and asylum centres and their funding remained inadequate. It recommended that Ukraine open new temporary accommodation centres, particularly in Kyiv and Kharkiv and provide assistance to those who could not be accommodated.¹⁵⁵

68. CRC was concerned at restrictions in access to the asylum procedure of unaccompanied and undocumented asylum-seeking children and the detention of unaccompanied asylum-seeking children and deportations.¹⁵⁶ Similarly, UNHCR reported that the authorities frequently failed to appoint legal representatives for unaccompanied children and thus the children could not access the asylum procedure. CRC recommended that Ukraine ensure that unaccompanied asylum-seeking children are promptly appointed a legal representative to access the asylum procedure, assistance and protection and that no asylum-seeking or refugee child is deprived of liberty.¹⁵⁷ CRC and CERD recommended

that Ukraine ensure the birth registration and issuance of birth certificates to children of asylum seekers born in Ukraine.¹⁵⁸

M. Right to development and environmental issues

69. UNDP reported that several challenges remained in the area of protection of property rights, including the protracted land property registration process and delays in enforcement of court rulings regarding land property rights. UNDP recommended that Ukraine improve the process of registration and transfer of property rights by introducing fixed time limits for each procedure and setting low fixed fees, computerizing land registries; and regulating expropriation of land on the grounds of public necessity by bringing this process into full compliance with the Constitution and international standards.¹⁵⁹

70. UNDP stated that despite existing legal guarantees of environmental rights, those rights were not yet viewed as inalienable human rights. Furthermore, the lack of monitoring of the implementation of international agreements, low level of public awareness on environmental rights and limited court practice on the environmental cases hindered the realization of environmental rights. UNDP recommended that Ukraine ensure implementation of environment protection legislation.¹⁶⁰

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Ukraine from the previous cycle A/HRC/WG.6/2/UKR/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on Communications
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ CRC/C/OPAC/UKR/CO/1, para. 4.

⁴ A table in the previous UPR compilation contained the following information under Recognition of specific competences of treaty bodies: Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art.

- 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.
- ⁵ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Ukraine before the Human Rights Council, as contained in the note verbale dated 10 March 2008 (A/62/729) sent by the Permanent Mission of Ukraine to the United Nations addressed to the President of the General Assembly. See http://www.un.org/ga/search/view_doc.asp?symbol=A/62/729&Lang=E.
- ⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁷ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁸ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ¹⁰ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ¹¹ 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ¹² ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.
- ¹³ ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.
- ¹⁴ CEDAW/C/UKR/CO/7, para. 49, CRC/C/UKR/CO/3-4, para. 91 and CERD/C/UKR/CO/19-21, para. 23.
- ¹⁵ CERD/C/UKR/CO/19-21, paras. 16 and 23.
- ¹⁶ UNHCR submission, p. 6; CERD/C/UKR/CO/19-21, para. 20 (d) and CRC/C/UKR/CO/3-4, para. 38 (b).
- ¹⁷ CRC/C/UKR/CO/3-4, para. 49.
- ¹⁸ *Ibid.*, para. 9.
- ¹⁹ *Ibid.*, para. 14.
- ²⁰ A/HRC/10/21/Add.4, para. 98(v).
- ²¹ *Ibid.*, para. 98(b).
- ²² For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.

- ²³ According to article 5 of the rules of procedure for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).
- ²⁴ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CRPD | Committee on the Rights of Persons with Disabilities |
| SPT | Subcommittee on Prevention of Torture. |
- ²⁵ See http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/UA/Ukraine_Implementation.pdf.
- ²⁶ CCPR/C/UKR/CO/6, para. 20.
- ²⁷ CAT/C/UKR/CO/5, para. 28.
- ²⁸ Letter dated 20 December 2011 from CAT to Permanent Mission of Ukraine in Geneva, see <http://www2.ohchr.org/english/bodies/cat/docs/followup/ReqInfoUkraine38.pdf>.
- ²⁹ CEDAW/C/UKR/CO/7, para. 51.
- ³⁰ CERD/C/UKR/CO/19-21, para. 30.
- ³¹ CAT/C/47/D/353/2008.
- ³² CCPR/C/102/D/1412/2005 and CCPR/C/102/D/1535/2006.
- ³³ CAT/C/46/2, para. 111. See also http://www2.ohchr.org/english/bodies/cat/opcat/spt_visits.htm.
- ³⁴ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³⁵ A/HRC/10/21/Add.4.
- ³⁶ A/HRC/19/58/Rev.1, para. 612.
- ³⁷ OHCHR Report 2010, p. 96 and OHCHR Report 2011, p. 154., see http://www2.ohchr.org/english/ohchrreport2010/web_version/ohchr_report2010_web/index.html#/home and http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Eur_ope.pdf.
- ³⁸ See OHCHR Report 2011, p. 329 (see note 38 above).
- ³⁹ CERD/C/UKR/CO/19-21, para. 5. See also CRC/C/UKR/CO/3-4, para. 90 and UNCT submission, p. 6.
- ⁴⁰ CEDAW/C/UKR/CO/7, para. 24.
- ⁴¹ Ibid., para. 23, see also CEDAW/C/UKR/CO/7, para. 42.
- ⁴² Ibid., para. 34.
- ⁴³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention, 1951 (No. 100), 2011, Ukraine, doc. No. (ilolex): 062011UKR100, first paragraph.
- ⁴⁴ CEDAW/C/UKR/CO/7, para. 17.
- ⁴⁵ Ibid., para. 19.
- ⁴⁶ UNDP submission, p. 2.
- ⁴⁷ CEDAW/C/UKR/CO/7, para. 21.
- ⁴⁸ CERD/C/UKR/CO/19-21, paras. 3(e) and 4.
- ⁴⁹ Ibid., para. 6.
- ⁵⁰ CRC/C/UKR/CO/3-4, para. 27.
- ⁵¹ UNCT submission, p. 5.
- ⁵² CERD/C/UKR/CO/19-21, para. 12. See also CRC/C/UKR/CO/3-4, para. 27.
- ⁵³ A/HRC/7/14/Add.2, para. 74.
- ⁵⁴ CERD/C/UKR/CO/19-21, para. 22.
- ⁵⁵ Ibid., para. 10, see also CRC/C/UKR/CO/3-4, para. 28 (a).
- ⁵⁶ UNICEF submission, pp. 2-3.
- ⁵⁷ CRC/C/UKR/CO/3-4, para. 28.

- ⁵⁸ Ibid., para. 41.
- ⁵⁹ A/HRC/10/21/Add.4, para. 26.
- ⁶⁰ Letter dated 20 December 2011 from CAT to Permanent Mission of Ukraine in Geneva, p. 1 (see note 29 above).
- ⁶¹ A/HRC/10/21/Add.4, para. 98 (c).
- ⁶² CRC/C/UKR/CO/3-4, para. 42 (c).
- ⁶³ A/HRC/10/21/Add.4, p. 3 and para. 24.
- ⁶⁴ Ibid., p. 3 and para. 40.
- ⁶⁵ Ibid., paras. 62-63.
- ⁶⁶ WHO submission, p. 4.
- ⁶⁷ Ibid., pp. 4-5.
- ⁶⁸ CEDAW/C/UKR/CO/7, para. 26.
- ⁶⁹ UNDP submission, pp. 2-3.
- ⁷⁰ UNICEF submission, p. 3.
- ⁷¹ CEDAW/C/UKR/CO/7, paras. 27 and 29.
- ⁷² UNDP submission, p. 3.
- ⁷³ CRC/C/UKR/CO/3-4, paras. 50-51.
- ⁷⁴ Ibid., paras. 78-79.
- ⁷⁵ Ibid., paras. 41-42.
- ⁷⁶ Ibid., paras. 74-75, see also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation Concerning Minimum Age Convention, 1973 (No. 138), 2010, Ukraine, doc. No. (ilolex): 062010UKR138, third paragraph.
- ⁷⁷ CRC/C/UKR/CO/3-4, paras. 76-77.
- ⁷⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Ukraine, doc. No. (ilolex): 062010UKR182, first to third paragraphs.
- ⁷⁹ CRC/C/UKR/CO/3-4, para. 80.
- ⁸⁰ UNCT submission, p. 6.
- ⁸¹ CEDAW/C/UKR/CO/7, para. 31.
- ⁸² CRC/C/UKR/CO/3-4, para. 81.
- ⁸³ A/HRC/10/21/Add.4, para. 98 (h).
- ⁸⁴ Letter dated 20 December 2011 from CAT to Permanent Mission of Ukraine in Geneva (see note 29 above), p. 3.
- ⁸⁵ A/HRC/10/21/Add.4, paras. 34 and 98(g).
- ⁸⁶ Ibid., p. 2.
- ⁸⁷ Ibid., para. 98(d).
- ⁸⁸ Ibid., para. 84.
- ⁸⁹ UNCT submission, p. 1 and UNICEF submission, p. 3.
- ⁹⁰ CRC/C/UKR/CO/3-4, paras. 84-86.
- ⁹¹ A/HRC/10/21/Add.4, para. 98(u).
- ⁹² Ibid., paras. 48 and 51.
- ⁹³ Letter dated 20 December 2011 from CAT to Permanent Mission of Ukraine in Geneva (see note 29 above), pp. 1 and 2.
- ⁹⁴ A/HRC/10/21/Add.4, paras. 98 (k) and (n).
- ⁹⁵ UNCT submission, pp. 2-3.
- ⁹⁶ CEDAW/C/UKR/CO/7, paras. 40-41, see also CRC/C/UKR/CO/3-4, para. 26.
- ⁹⁷ CRC/C/UKR/CO/3-4, para. 26.
- ⁹⁸ Ibid., para. 36.
- ⁹⁹ Ibid., para. 38.
- ¹⁰⁰ Ibid., paras. 44 and 46.
- ¹⁰¹ UNICEF submission, pp. 3-4; see also UNCT submission, p. 4.
- ¹⁰² CRC/C/UKR/CO/3-4, para. 47.
- ¹⁰³ Letter dated 20 December 2011 from CAT to Permanent Mission of Ukraine in Geneva (see note 29 above), p. 3.
- ¹⁰⁴ A/HRC/7/14/Add.2, para. 73.
- ¹⁰⁵ Ibid., para. 71.

- 106 A/HRC/16/44/Add.1, para. 2331.
107 A/HRC/19/55/Add.2, para. 379.
108 UNDP submission, p. 2.
109 CEDAW/C/UKR/CO/7, para. 32.
110 Ibid., para. 33.
111 UNDP submission, p. 2.
112 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation Concerning Protection of Wages Convention, 1949 (No. 95), 2011, Ukraine, doc. No. (ilolex): 062011UKR095, first and second paragraphs.
113 CEDAW/C/UKR/CO/7, paras. 36-37.
114 CRC/C/UKR/CO/3-4, para. 64.
115 UNICEF submission, p. 2.
116 CRC/C/UKR/CO/3-4, para. 18, see also para. 65.
117 Ibid., para. 54.
118 WHO submission, p. 2.
119 CEDAW/C/UKR/CO/7, para. 38.
120 WHO submission, p. 5.
121 CRC/C/UKR/CO/3-4, para. 31.
122 UNICEF submission, p. 4.
123 CRC/C/UKR/CO/3-4, para. 56.
124 Ibid., paras. 60-61.
125 Ibid., para. 62.
126 UNICEF submission, pp. 4-5.
127 CRC/C/UKR/CO/3-4, para. 63.
128 UNCT submission, p. 8.
129 WHO submission, pp. 2-3.
130 Ibid., p. 3.
131 Ibid., p. 3.
132 A/HRC/17/25/Add.1, paras. 323-326 and A/HRC/19/44, p. 155.
133 A/HRC/19/44, p. 155.
134 CRC/C/UKR/CO/3-4, paras. 66-67.
135 Ibid., paras. 68-69. See also CRC/C/OPAC/UKR/CO/1, para. 18.
136 UNDP submission, pp. 3-4.
137 CRC/C/UKR/CO/3-4, para. 52.
138 Ibid., paras. 53 and 67 (c).
139 Ibid., para. 89.
140 CERD/C/UKR/CO/19-21, para. 18.
141 Ibid., para. 17.
142 CRC/C/UKR/CO/3-4, para. 89.
143 CERD/C/UKR/CO/19-21, para. 14.
144 Ibid., para. 15.
145 CRC/C/UKR/CO/3-4, para. 35.
146 CERD/C/UKR/CO/19-21, para. 19.
147 Ibid., para. 16.
148 UNHCR submission, p. 2 and UNCT submission p. 1.
149 UNHCR submission, pp. 4-5 and UNCT submission p. 5.
150 UNHCR submission, pp. 2-3.
151 Ibid., p. 5.
152 Ibid., p. 3.
153 Ibid., p. 5.
154 CERD/C/UKR/CO/19-21, para. 20. See also Ibid., para. 3.
155 Ibid., para. 21.
156 CRC/C/UKR/CO/3-4, para. 72.
157 Ibid., para. 73.
158 Ibid., para. 73 and CERD/C/UKR/CO/19-21, para. 20.
159 UNDP submission, pp. 4-5.
160 Ibid., p. 5.