

AMNESTY INTERNATIONAL

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Ukraine: Amnesty International welcomes commitments to combat police impunity for torture and other ill-treatment and to uphold the principle of *non-refoulement*, but regrets the rejection of recommendations relating to lesbian, gay, bisexual and transgender people

Human Rights Council adopts Universal Periodic Review outcome on Ukraine

Amnesty International welcomes Ukraine's acceptance of recommendations on torture and police impunity, in particular its commitment to set up an independent body to investigate torture cases.¹ The organization's research shows that there is a culture of impunity in Ukraine for criminal misconduct by the police, including torture and extortion. Amnesty International calls on Ukraine to act on these commitments as a matter of priority, and to take concrete measures to implement the recommendations in full.

Amnesty International also welcomes Ukraine's acceptance of recommendations to protect the rights of migrants and to respect the principle of *non-refoulement*.² Refugees and asylum-seekers continue to be at risk of being forcibly returned by Ukraine to countries where they face serious human rights violations, including torture or other ill-treatment. Bilateral agreements between former Soviet states allow asylum-seekers to be returned on the basis of extradition requests. Requests for asylum are often disregarded in such cases. Some asylum-seekers in Ukraine have allegedly been abducted by agents from other former Soviet states working in collusion with Ukrainian law enforcement officers. On 19 October 2012, Leonid Razvozhayev -- a Russian citizen and aide to Russian opposition MP Ilya Ponomarev -- was reportedly abducted by Russian law enforcement officers. The abduction took place in Kyiv outside an office where Leonid Razvozhayev had gone for legal assistance and advice in order to apply for asylum in Ukraine. Leonid Razvozhayev has alleged that he was subjected to torture and other ill-treatment upon his return to Russia.

Amnesty International deeply regrets Ukraine's rejection of recommendations, made by eight states, to ensure full respect for freedom of expression relating to sexual orientation, and to protect lesbian, gay, bisexual and transgender (LGBT) people from discrimination.³ Their rejection contrast starkly with Ukraine's acceptance of more than 15 recommendations on non-discrimination more generally.⁴ In October 2012, parliament passed the first reading of a draft law which would ban any production or publication deemed to "promote" homosexuality, including in media, TV or radio broadcasting; in the printing or distribution of publications; and in the import, production or distribution of creative materials, cinematography or videos.

¹ Report of the Working Group on the Universal Periodic Review, Ukraine, A/HRC/22/7, 20 December 2012, recommendations 9.34 (Tunisia); 97.35 (France); 97.36 (Estonia); 97.37 (Mexico); 97.51 (Kazakhstan); 97.75 (Czech Republic), 97.99 (Spain); 97.100 (Sweden); 97.101 (Switzerland); 97.102 (Iraq) and 97.103 (Austria).

² A/HRC/22/7, recommendations 97.117 (Egypt); 97.142 (Thailand); 97.143 (Spain); and 97.144 (Belgium).

³ A/HRC/22/7, recommendations 97.18 (Slovenia, Norway); 97.25 (Ireland); 97.57 (Finland); 97.70 (Sweden); 97.71 (Switzerland); 97.72 (Uruguay); and 97.73 (Germany).

⁴ A/HRC/22/7, recommendations 97.20 (Nicaragua); 97.26 (Philippines); 97.26 (Czech Republic); 97.28 (Thailand); 97.30 (Portugal); 97.39 (Iran); 97.55 (Belgium); 97.56 (Canada); 97.59 (Brazil); 97.60 (Iraq); 97.61 (Argentina); 97.62 (China); 97.64 (Malaysia); 97.65 (Morocco); 97.66 (Egypt) and 97.136 (Armenia).

Draft law No. 0945 (formerly 8711), if adopted, will introduce fines or prison sentences of up to five years. Amnesty International calls on the Ukrainian government to reject this law on the grounds that it would result in discriminatory treatment of LGBT people, including by violating their rights to freedom of expression, association and peaceful assembly, and to equality before the law.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Ukraine on 14 March 2013 during its 22nd session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in Ukraine:

<http://www.amnesty.org/en/library/info/EUR50/001/2008/en>

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