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This booklet, prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), contains a thematic compilation of the latest recommendations from the UN Human Rights mechanisms – treaty bodies, special procedures, the universal periodic review (UPR), and OHCHR addressed to Ukraine. It reflects information available as of 5 September 2016.

Theme 1: Access to justice, fair trial, effective remedies, accountability and impunity

1.1. Access to justice and fair trial

Treaty Bodies

➤ CERD (2016):

– Facilitate the access of minorities to justice, to disseminate information on legislation relating to racial discrimination, and to inform the population residing in its territory about all the legal remedies available to them and of the possibility of obtaining legal assistance.

– Ensure equal access to judicial and administrative proceedings to all persons with disabilities, including access to court buildings to persons with physical impairments and to documents in accessible formats.

➤ CESCR: The State party should, as a matter of priority, address the root causes of corruption and adopt all necessary legislative and policy measures to effectively combat corruption and related impunity and ensure that public affairs, in law and in practice, are conducted in a transparent manner. It also recommends that the State party make politicians, members of parliament and national and local government officials aware of the economic and social costs of corruption, and make judges, prosecutors and the police aware of the need for strict enforcement of the law.

➤ HRC:

– Ensure that judges are not subjected to any form of political influence in their decision-making and that the process of judicial administration is transparent. The State party should adopt a law providing for clear procedures and objective criteria for the promotion, suspension and dismissal of judges. It should ensure that prosecuting authorities are not involved in deciding on disciplinary actions against judges and that judicial disciplinary bodies are neither controlled by the executive branch nor affected by any political influence. The State party should ensure that prosecutions under article 365 of the Criminal Code fully comply with the requirements of the Covenant.

– Ensure that judges and law enforcement officers receive adequate training to enable them to interpret domestic law in the light of the Covenant [on Civil and Political Rights] and disseminate knowledge of the provisions of the Covenant among lawyers and the general public to enable them to invoke its provisions before the courts.

Special Procedures

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

➤ UPR:

– Continue strengthening the independence and impartiality of the judiciary and guaranteeing greater transparency of legal procedures, through measures such as the review of the Criminal Code and of the Public Prosecutor's Office.

– Provide the legal and operational framework for an independent and effective judiciary, and undertake reform of the Prosecutor's Office that ensures its independence and impartiality and separate the criminal prosecution functions from those investigating alleged abuse.

– Take concrete steps to improve the objectivity and independence of the criminal justice system by incorporating the recommendations of the Venice Commission, implementing the judgments of the European Court of Human Rights, and addressing concerns about selective justice.

– Fully implement the new Criminal Procedure Code, including necessary constitutional and statutory reforms needed to limit the powers of the Prosecutor General's office, and establish an impartial and independent criminal justice system, in line with Ukraine's obligations under the ICCPR.

- Full implementation of the new criminal procedure code, and that the independency of judges is strengthened, the role of the public prosecution is balanced and corruption in judiciary system is tackled.
 - Continue to make efforts with regard to reform in criminal proceedings, including enhancing the independence and impartiality of the Prosecutor's Office, as well as the updating of pre-trial investigation procedures.
 - Create an independent body to investigate cases of torture and guarantee compensation for victims. Additionally, bring conditions of detention in line with international standards and ensure respect for the judicial guarantees of detainees.
- *OHCHR:* Ensure consistency of charges against members of the armed groups and proportionality of sanctions to them to ensure their right to equal treatment before the law;

1.2. Additional fair trial guarantees with regard to criminal justice

Special Procedures

- *Special Rapporteur on extrajudicial, summary or arbitrary executions*
- A system of independent oversight of all those who perform law enforcement functions must be established, focusing in particular on allegations of ill-treatment by the Security Service of Ukraine. This mechanism should be empowered to conduct investigations into suspected informal detention facilities, including by granting it comprehensive power of search within military or Security Service of Ukraine facilities.
 - The investigations into the events at Maidan in February 2014 and into the events in Odesa on 2 May of the same year must be completed as a matter of priority, and accountability for loss of life established. The systemic failures that contributed to the eventual loss of life, such as the low profile of the police and the delayed response of the fire brigade in Odesa, should also be investigated and, where appropriate, rectified.
 - The events at Ilovaisk in August 2014 must be independently and impartially investigated and any perpetrators brought to justice.
- *UPR:*
- Protect and promote effectively the right to a fair trial in accordance with internationally established standards.
 - Ensure non-selective prosecutions on its territory and a fair trial for persons being prosecuted, in conformity with the standards as under article 14 of the ICCPR, including the right to appeal laid down in paragraph 5.
 - Ensure that the new Criminal Procedure Code respects the human rights of those held in custody, and that the statements informing migrants of the justification for their deportation is in one of the languages that the deportee understands.
 - Fulfil its commitments on the use of minority language in justice, in both criminal and civil procedures.
- *OHCHR:*
- Allocate necessary human and technical resources to the National Police and Security Service of Ukraine (SBU) investigative bodies and to the prosecutor's offices investigating alleged cases of arbitrary deprivation of life, including in the conflict zone;
 - Improve the collection of forensic and preservation of other material evidence related to acts of arbitrary deprivation of life in the conflict zone, including documenting signs of torture or ill-treatment in accordance with international standards;
 - Ensure that judges, lawyers and other justice professionals are fully protected from threats, intimidation and other external pressures that seek to challenge and threaten their independence and impartiality;
 - Enable the Office of the Military Prosecutor to exercise general oversight over the military and law enforcement.

1.3. Juvenile justice

Treaty bodies

➤ CAT: establish a system of juvenile justice which promotes whenever possible alternative measures to deprivation of liberty and guarantees international standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), and the Guidelines for Action on Children in the Criminal Justice System.

➤ CRC:

- Put in place a juvenile justice system as outlined in the National Plan of Action for Children. To this end, it ensure that the new Concept of Development of Criminal Justice Regarding Juveniles in Ukraine, and the act to be adopted for its implementation, is fully in line with the Convention and with other relevant standards:

(a) Ensure that the juvenile justice system in practice diverges from a punitive to a restorative juvenile justice system that promotes alternative measures to deprivation of liberty, such as mediation, diversion, probation, counselling, community service or suspended sentences, wherever possible;

(b) Establish by law and in practice one minimum age of criminal responsibility in line with the Committee's general comment No. 10 (2007) on children's rights in juvenile justice;

(c) Consider abolishing, in line with the preceding recommendation, schools for social rehabilitation where children aged 11 to 14 can be remanded after having been found guilty for committing socially dangerous actions, and develop alternative measures of care;

(d) Strengthen the social support services, including through training and an increase in the number of specialists from social centres for families, children and young persons, to ensure psychosocial rehabilitation and programmes for children in conflict with the law;

- Initiate comprehensive trainings for members of the *Militsia* and the Ukraine State Border Guard Services on the prohibition of torture and ill-treatment and on international standards relating to juvenile justice;

- Ensure by law and in practice that all child victims or witnesses of crimes, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). In this regard, the Committee reiterates its position that child victims and witnesses of crimes should never be treated as offenders by the authorities.

Theme 2: Deprivation of liberty

2.1. Freedom from arbitrary detention

Treaty bodies

➤ CAT:

- Further take effective measures to guarantee that all detained persons are afforded, by law and in practice, all the fundamental legal safeguards from the very outset of deprivation of liberty, in accordance with international standards, including:

(a) Ensure that all persons deprived of their liberty are informed about their rights and provided with prompt access to a lawyer in line with legislation in force; and provide adequate financial resources for the effective functioning of the free legal aid system;

(c) Ensure that detained persons are able to notify a member of family or another appropriate person of their own choice.

- Establish a single national register of detention that includes factual details about detention, including transfers, and ensure that it contains the exact date, time and place of detention from the outset of deprivation of liberty and not from the time of writing of the protocol of detention.

- Ensure that resort to, and the duration of, administrative detention are reduced and that guarantees exist regarding all fundamental procedural rights.

- Establish an independent mechanism to deal freely and independently with any complaints of inmates about their treatment and conditions of detention, provide effective follow-up to such complaints for the purpose of remedial action and ensure that inmates who file complaints are not subjected to reprisals and that should any cases of reprisals arise, investigation should be launched, victims provided with protection and perpetrators sanctioned.

➤ OHCHR: close all secret and ad hoc detention facilities and ensure that detainees are kept only in officially recognised and supervised places of detention, and that all their rights are fully respected. Guarantee that all detainees can communicate with and be visited by their families, have access to doctors and legal counsels.

2.2. Conditions of detention

Treaty Bodies

➤ CRPD: Repeal laws that allow for deprivation of liberty on the basis of impairment. The Committee also recommends that the State party take measures to implement its legislation providing for reasonable accommodation in prisons in order not to aggravate incarceration conditions based on disability.

➤ CAT:

- Provide detained persons with access to a medical examination by an independent doctor, and if requested, a doctor of their own choice; and ensure that all health-related tasks in police stations are performed by qualified medical personnel;

- Enhance steps to improve material conditions of detention in conformity with the appropriate provisions of the Standard Minimum Rules for the Treatment of Prisoners, including by renovating existing prison facilities, closing those unfit for use, building new ones and ensuring the best existing international standards of living space;

- Enhance steps to reduce inter-prisoner violence, including at the instigation of prison officials, by launching independent investigations into all such incidents, reducing overcrowding, improving prison management and the prisoner/staff ratio, training prison staff and medical personnel on communication with and managing of inmates and on detecting signs of vulnerability and by strengthening the monitoring and management of vulnerable prisoners;

- Ensure that all cases of deaths in custody are investigated promptly, thoroughly, effectively and impartially and that persons suspected of having committed acts of torture, physical or psychological ill-treatment and wilful negligence are prosecuted and, if found guilty, punished in accordance with the gravity of their acts; allow independent forensic examinations of all cases of death in custody, permit family members of the deceased to commission independent autopsies and ensure that their results are accepted by the State party's courts as evidence in criminal and civil cases;

- Continue to resort more to alternatives to incarceration, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

- Examine the adequacy of health-care resources available in places of detention, ensure that the health-care services and medical assistance provided to detainees and prisoners are speedy and of high quality in order to bring conditions of detention into line with international standards;

- Ensure the recruitment of qualified medical personnel;

- Provide systematic medical screening on injuries and medical examination of detainees within 24 hours of their admission to prison; carry out periodic examinations of prisoners; make available appropriate treatments, especially to HIV/AIDS and tuberculosis infected detainees that include anti-retroviral medication; implement programmes related to treatment of tuberculosis and the distribution and monitoring of medicines taken in penitentiary facilities throughout territory;

- Improve the quality and quantity of food and water provided to detainees and prisoners and reduce current overcrowding.

➤ HRC: Take immediate and effective steps to ensure that cases of death in custody are promptly investigated by an independent and impartial body, that sentencing practices and disciplinary sanctions against those found responsible are not overly lenient, and that appropriate compensation is provided to families of victims.

➤ The CRC: Strengthen independent monitoring of children deprived of their liberty, including by “mobile groups/teams” or other mechanisms, until a national preventive mechanism is formally established

by Ukraine under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

➤ UPR:

- Bring conditions of detention in line with international standards and ensure respect for the judicial guarantees of detainees.
- Strengthen the effectiveness and the independence of the mechanisms to supervise the observance of human rights of the inmates and the persons under police custody with the aim of preventing ill-treatment.
- Take further measures to ensure systematically safeguards against occurrence of torture or ill-treatment in particular in prison and detention facilities, while implementing also recommendations of the European Committee for the Prevention of Torture.
- Improve the legislation and its application in order to combat police impunity and increase the number of criminal investigations of suspected perpetrators accused of police brutality, as well as provide training for staff of law-enforcement bodies on the rights of detainees.
- Take urgent measures to prevent cases of ill-treatment and torture by police officers and ensure their accountability for any criminal acts.
- Strengthen the effectiveness and the independence of the mechanisms to supervise the observance of human rights of inmates and persons under police custody with the aim of preventing ill-treatment.

Theme 3: Fundamental freedoms

3.1. Freedom of the media and expression

Treaty Bodies

➤ HRC:

- Ensure that journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Any restrictions on the exercise of freedom of expression should comply with the strict requirements of article 19, paragraph 3, of the Covenant. Furthermore, the State party should ensure that acts of aggression, threats and intimidation against journalists are investigated, prosecuted and punished and victims are provided with appropriate remedies.

Special Procedures

➤ The Special Rapporteur on minority issues:

- The Special Rapporteur notes that all journalists should be free to conduct their work in safety and without threat of detention or violence and that freedom of the media must be protected. Censorship of media should be used only as a last resort and any restrictions on the media and freedom of expression must be legitimate, proportionate and in conformity with international standards. Governments and media outlets have a responsibility to accurately and objectively convey information and to avoid any propaganda or misinformation which may incite unrest or violence.

➤ The Special Rapporteur on freedom of expression:

- Urged Ukraine to guarantee that crimes against media professionals and opinion-makers will not go unpunished. 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.
- 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.

➤ UPR:

- Further promote freedom and pluralism of the media as key elements for enabling the exercise of freedom of expression.
- Create an enabling environment for journalists and media professionals and ensure fully transparent and impartial investigation and prosecution in all cases of attacks against them.

- Further develop measures to fully guarantee freedom of expression, particularly the protection of the integrity of persons working in the media in the exercise of that right.
- Pursue measures against State organs which attempt to limit media and journalists.

➤ *OHCHR*

- All stakeholders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination. Political leaders should play a role in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech¹ and publicly condemning them.

3.2. Freedom of assembly

Treaty Bodies

➤ *HRC:*

- Adopt a law regulating the freedom of assembly, imposing only restrictions that are in compliance with the strict requirements of article 21 of the Covenant.

➤ *The Special Rapporteur on minority issues:*

- Freedom of expression, assembly and the right to peacefully protest must be protected even in times of political unrest and must only be restricted under exceptional circumstances. All relevant authorities must uphold those rights for all. Violent protest, the forced or armed occupation of public buildings or territories, the formation of armed militia groups and activities to intimidate, threaten or coerce are not legitimate in a democratic society and should be addressed according to the law and international standards;

➤ *OHCHR*

- Ensure that the principles of necessity, proportionality, non-discrimination and accountability underpin any use of force for the management of peaceful assemblies.
- Adopt a law on freedom of assembly and review legislation and policies applicable to the management of peaceful assemblies to ensure their compliance with human rights standards.
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3.3. Freedom of thought, conscience and religion

Treaty Bodies

- *HRC* reiterates its previous recommendation (CCPR/C/UKR/CO/6, para. 12) and stresses that alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and should neither be punitive nor discriminatory in nature or duration by comparison with military service.

3.4. Freedom of movement

Treaty Bodies

- *CERD (2016)*: revise its regulations and ease freedom of movement for persons who would like to cross the administrative borders between non-government controlled areas and controlled government areas.

➤ *OHCHR:*

- Revoke the Temporary Order of 21 January 2015 or reconsider restrictions of freedom of movement imposed by the Temporary Order vis-à-vis ICCPR provisions, particularly legality and proportionality of the restrictions. Those seeking safety and security must be allowed to do so without having to apply for a

¹ See the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix, para. 36).

permit in advance or go through only pre-designated check-points. Meanwhile, facilitate the movement of civilians across the contact line by increasing the number of transport corridors, especially in Luhansk region, restore public transportation between the checkpoints and nearest towns, equip all checkpoints with medical services, water, sanitation and heating facilities to create favorable conditions for crossing, including during winter;

Theme 4: Physical and mental integrity

4.1. Torture

Treaty bodies

➤ CAT:

- Amend legislation to include a definition of torture in the Criminal Code that is in conformity with the Convention and covers all the elements contained in article 1, including the inflicting of torture by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity who can be prosecuted under article 127 of the Criminal Code as well as the element of discrimination.

- The State party should amend its legislation to ensure that persons who are alleged to have committed acts of torture are prosecuted under article 127 of the Criminal Code and that appropriate penalties for acts of torture are applied that are commensurate to the gravity of the crime, as set out in article 4 (2) of the Convention.

- The State party should:

(a) Take the steps necessary to ensure in practice that confessions obtained as a result of torture and ill-treatment in all cases and in line with domestic legislation and the provisions of article 15 of the Convention are not admissible in court;

(b) Improve the methods of criminal investigation to end practices whereby confession is relied on as proof in criminal prosecution, in some cases in the absence of any other evidence;

(c) Submit information on the application of the provisions prohibiting the admissibility of evidence obtained under duress and on whether any officials have been prosecuted and punished for extracting such confessions.

- The State party should allocate additional financial and staffing resources to ensure the full and effective operation of the national preventive mechanism in compliance with the Optional Protocol to the Convention.

- Reinforce measures to prohibit and eliminate ill-treatment in the armed forces and ensure prompt, impartial and thorough investigation of all allegations of such acts; establish the liability of direct perpetrators and those in the chain of command, prosecute and punish those responsible with penalties that are consistent with the gravity of the act committed, make the results of such investigations public and provide the Committee with information on the follow-up to the confirmed cases of hazing in the army.

➤ HRC:

- Reinforce measures to eradicate torture and ill-treatment, ensure that such acts are promptly, thoroughly, and independently investigated, that perpetrators of acts of torture and ill-treatment are prosecuted in a manner commensurate with the gravity of their acts, and that victims are provided with effective remedies, including appropriate compensation. As a matter of priority, the State party should establish a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment. It should also amend its Criminal Procedure Code to provide for mandatory video recording of interrogations, and pursue its efforts towards equipping places of deprivation of liberty with video recording devices with a view to discouraging any use of torture or ill-treatment.

➤ OHCHR: the report of the UN Sub-Committee on the Prevention of Torture following its visit to Ukraine in 2011 should be made public immediately and taken into consideration by the authorities when considering issues related to torture, ill-treatment, and detention related matters;

4.2. Excessive or disproportionate use of force and killings

➤ CAT:

- Carry out and complete prompt, impartial, thorough and effective investigations into all allegations of the use of violence, including torture and ill-treatment, by law enforcement officials and prosecute and punish those responsible, including for the Maidan, Odessa and Mariupol incidents and thereby combat impunity;
- Establish an independent monitoring and oversight mechanism to ensure such criminal investigations are prompt, effective and impartial;
- Establish a genuinely independent complaints mechanism to deal with cases of alleged torture and ill-treatment and ensure that persons who have complained about allegations of torture and ill-treatment are protected from reprisal;
- Provide the Committee with information on the results how many cases of violence by law enforcement officials have been investigated, prosecuted for acts of torture and ill-treatment and the penalties applied for those found guilty.
- The absolute prohibition of torture contained in article 2, paragraph 2, of the Convention, stating that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture”. It draws the attention of the State party to paragraph 5 of its general comment No. 2 (2007), which states that those ‘exceptional circumstances’ include “any threat of terrorist acts or violent crime as well as armed conflict, international or non-international”. Accordingly, the State party should:
 - (a) Document and undertake prompt, thorough and impartial investigations into all acts of torture or other ill-treatment, including enforced disappearances and deprivation of life, committed in any territory under its jurisdiction; keep thorough documentation on the victims of inhuman treatment in areas not under governmental control, on the type of violations of the Convention against them, damage inflicted, as well as the identity, if possible, of the alleged perpetrators so that it could fully exercise its duties under the Convention when effective control is re-established; ensure that those found responsible are prosecuted and held accountable;
 - (b) Ensure that alleged perpetrators are duly prosecuted, including persons in position of command and those who provided legal cover for torture, and, if found guilty, are punished with penalties commensurate with the grave nature of their act;
 - (c) Keep thorough documentation on the victims of inhuman treatment in areas not under governmental control, on the type of violations of the Convention against them, damage inflicted, as well as the identity, if possible, of the alleged perpetrators so that it could fully exercise its duties under the Convention when effective control is re-established.

Special procedures

➤ Special Rapporteur on extrajudicial, summary or arbitrary executions

- All parties to the conflict should refrain from using weapons that do not allow sufficient precision in this context. They should also refrain from installing their weaponry or artillery pieces in the vicinity of inhabited areas, to say nothing of avoiding schools, hospitals, kindergartens or similar locations.
- Ratify the 2008 Convention on Cluster Munitions.
- All remaining illegal volunteer battalions and militias must be disbanded and disarmed, or effectively integrated into the regular armed forces, with effective control and accountability.
- Likewise, ultranationalist groups and other armed militias, such as Pravvy Sektor, Svoboda and “Self-defence”, should be declared illegal and effectively disarmed, disbanded and prosecuted, or brought under the control of the law. Acts of violence or intimidation by leaders and members of these groups must not be tolerated by the Government at any level, and their incitement to violence and hatred against other communities should be sanctioned.

4.3. Redress, including compensation and rehabilitation

Treaty Bodies

➤ CAT:

- Amend its legislation to include explicit provisions on the right of victims of torture and ill-treatment to redress, including fair and adequate compensation and rehabilitation, in accordance with article 14 of the Convention, while also bearing in mind recent events. It should, in practice, provide all victims of torture or ill-treatment with redress, including fair and adequate compensation, and as full rehabilitation as possible, and should allocate the necessary resources for the effective implementation of rehabilitation programmes.

- The Committee draws the attention of the State party to its General Comment No. 3 (2012) on the implementation of article 14 by States parties, which clarifies the content and scope of the obligations of States parties to provide full redress to victims of torture.

- Provide effective remedy to all victims of the crime of trafficking, ensuring prompt and adequate psychological support, medical care, access to welfare benefits, adequate shelter and work permits, irrespective of their ability to cooperate in the legal proceedings against traffickers;

- Ensure that victims of domestic violence benefit from protection and effective remedies, including access to medical and legal services, psychosocial counselling, to redress, including rehabilitation, and to safe and adequately funded shelters in all parts of the country;

➤ CESCR: Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee also encourages the State party to consider signing and ratifying the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, as well as the individual complaint mechanisms under various core human rights treaties which the State party has not accepted with a view to further strengthening the protection of human rights by providing rights holders with additional opportunities to claim their rights at the international level when domestic remedies have been exhausted.

➤ HRC: Reconsider its position in relation to Views adopted by the Committee under the First Optional Protocol. It should take all necessary measures to establish mechanisms and appropriate procedures, including the possibility of reopening cases, reducing prison sentences and granting ex gratia compensation, to give full effect to the Committee's Views so as to guarantee an effective remedy when there has been a violation of the Covenant, in accordance with article 2, paragraph 3, of the Covenant.

Special procedures

➤ *Special Rapporteur on extrajudicial, summary or arbitrary executions*

- The difficult situation and suffering of the families of those who lost their lives should be acknowledged by the Government. Their safety, physical and psychological well-being, dignity and privacy must be protected, and they must be promptly informed of progress in the investigations. Public officials must treat them with respect.

Theme 5: Discrimination and domestic violence

5.1. Fighting racism and xenophobia

➤ UPR:

- Continue moving forward with the adoption of effective measures that promote tolerance and respect for foreigners and members of national, racial and ethnic minorities.

- Continue the promotion of the rights of national minorities, as well as governmental policy on combating discrimination.

- Intensify its efforts to fight hate crimes and encourage senior State officials to take a clear position against these crimes and to publicly condemn racist acts of violence and other offences motivated by hatred.

- Further pursue its efforts to create appropriate institutional mechanisms to counter all forms of discrimination and further pursue its efforts to provide human rights training for police personnel to effectively fight hate crimes.

- Remove from the legislation discriminatory provisions based on race, sex or sexual orientation, and adopt comprehensive anti-discrimination legislation.

Treaty Bodies

➤ CERD (2016):

- Within one year to provide information to CERD:

(a) In the light of its general recommendation No. 7 (1985) relating to the implementation of article 4 of the Convention, the Committee recommends that the State party ensure that its legislation is effectively applied in full compliance with the provisions of article 4 of the Convention with regard to organizations promoting racist hatred and propaganda.

(b) The Committee recommends that the State party take measures to ensure an effective application of article 161 of its Criminal Code, by removing requirements that prevent its application. The Committee recommends that the State party ensure that complaints of racial discrimination are properly registered by the police as such and duly investigated and that the final decision whether the crime has a discriminatory racial motive is left to the appreciation of the courts.

- Give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009.

➤ CESCR:

- The State party should expedite the adoption of amendments to its anti-discrimination legislation to ensure adequate protection against discrimination in line with article 2(2) of the Covenant, taking also into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, inter alia by:

(a) explicitly including all the prohibited grounds for discrimination listed in article 2(2) of the Covenant in its comprehensive anti-discrimination law;

(b) prohibiting discrimination in both public and private spheres;

(c) providing for a reversal of the burden of proof in civil proceedings;

(d) adding provisions for access to redress in cases of discrimination, including through judicial and administrative procedures, and providing for effective and appropriate remedies for victims of discrimination.

➤ HRC:

- 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.

➤ CRC:

- To take effective measures to combat racist and xenophobic activities among youth, including by identifying as priority programmes for State funding in support of children's and youth organizations those that promote intercultural dialogue, tolerance and respect for diversity;

- To strengthen monitoring of the situation of children belonging to the above-mentioned groups and, on this basis, develop a comprehensive strategy containing specific and well-targeted actions aimed at eliminating all forms of discrimination against these and other vulnerable groups of children;

- To incorporate in domestic legislation the principle of non-discrimination and the prohibition of discrimination against children on any of the grounds spelled out in article 2 of the Convention.

➤ CERD (2011):

- Establish civil and administrative liability for racial discrimination, including hateful opinions spread by the media and guarantee remedies and compensation to victims. CERD urged Ukraine to: investigate hate crimes; ensure that the police do not engage in racial or ethnic profiling and bring perpetrators to justice.

- Strongly recommended that the State party closely monitor the activities of extremist organizations, and adopt legal and policy measures with the aim of preventing their registration and disbanding their activities, as necessary, and ensuring the protection of foreigners and members of "visible minorities" against all acts of violence.

- Accelerate the adoption of an anti-discrimination act stipulating the definition of direct/indirect and de facto/de jure discrimination.

5.2. Discrimination based on sexual orientation and gender identity

Treaty Bodies

➤ HRC:

- State clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or trans-sexuality, or hate speech, discrimination or violence against persons because of their sexual orientation or gender identity.
- Provide effective protection to LGBT persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity. It should also take all necessary measures to guarantee the exercise in practice of the rights to freedom of expression and assembly of LGBT persons and defenders of their rights. The State party should also amend order No. 60 and other laws and regulations with a view to ensure that:
 - (a) the compulsory confinement of persons requiring a change (correction) of sex in a psychiatric institution for up to 45 days is replaced by a less invasive measure;
 - (b) any medical treatment should be provided in the best interests of the individual with his/her consent, should be limited to those medical procedures that are strictly necessary, and should be adapted to his/her own wishes, specific medical needs and situation;
 - (c) any abusive or disproportionate requirements for legal recognition of a gender reassignment are repealed. The Committee finally urges the State party not to permit the two draft bills "on propaganda of homosexuality" to become laws.

UPR:

- Adopt a comprehensive anti-discrimination law that addresses the worrying trend of incidents based on gender, sexual orientation, racial and ethnic discrimination.

5.3. Discrimination against women

Treaty bodies

- HRC: intensify its efforts to achieve equitable representation of women in Parliament and at the highest levels of Government within specific time frames, including through temporary special measures, to give effect to the provisions of the Covenant [on Civil and Political Rights]. It should adopt a State programme for equal rights and opportunities for women and men and other measures aimed at ensuring gender equality, and effectively implement them.

➤ CEDAW:

- 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. CEDAW recommended that Ukraine strengthen the national mechanism for the advancement of women by raising its authority and provide it with adequate resources. 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.
- Increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures.
- Implement temporary special measures, including quotas, to achieve gender equality in areas where women are underrepresented or disadvantaged and for women suffering from multiple forms of discrimination, such as Roma women.

➤ OHCHR:

- Encourage adoption of temporary measures to ensure greater participation of women in public life, including in Parliament;
- Mechanism for the reporting of violence against women should be established and referral and support systems put in place to ensure the protection of women and girls who may be highly vulnerable to sexually-based or other forms of violence, trafficking and prostitution as a means of survival and ensure prompt investigation of all cases.

5.4. Domestic violence

Treaty Bodies

➤ CAT:

- Amend its legislation in order to strengthen efforts to specifically criminalize, prevent and combat domestic violence and ensure the effective implementation of legislation on domestic and family violence in practice;

- Facilitate and ensure that complaints from victims are promptly, thoroughly and impartially investigated, that perpetrators are prosecuted and, if found guilty, punished with appropriate and effective penalties.

➤ CESCR recommends that the State party, taking into account the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights: take steps to eliminate the persistent gender pay gap by combating vertical and horizontal segregation in employment that results in women occupying lower paid jobs and facing obstacles in the enjoyment of career opportunities on an equal footing with men;

➤ HRC: strengthen its efforts to prevent and combat all forms of domestic violence, including by adopting a new law on prevention of domestic violence and ensuring its effective implementation. It should also facilitate complaints from victims, ensure that they are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate sanctions and that victims, including children, have access to effective remedies and means of protection, including an adequate number of shelters available in all parts of the country. 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.

➤ UPR:

- Continue to strengthen provisions to address domestic violence, and programmes to reinforce mechanisms for the protection of women and children;

- Respect the principles and standards provided by the Council of Europe Convention on preventing and combating violence against women and domestic violence, even prior to its ratification and entry into force.

Theme 6: Group specific violations

6.1. The rights of the child (CRC)

6.1.1. Legislation and best interests of the child

- Undertake a comprehensive review of all domestic legislation so as to ensure its full compliance with the Convention. It further recommends adopting a comprehensive child rights act which fully incorporates the provisions of the Convention and its Optional Protocols.

- In particular, it recommends a review of legislation, policies and programmes relating to juvenile justice and the childcare systems with a view to ensuring that the principle of the best interest of the child is fully integrated therein.

- Prioritize the elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations study on violence against children, paying particular attention to gender.

- Accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

6.1.2. Children deprived of a family environment

- The CRC urges Ukraine to strengthen its deinstitutionalization policy in accordance with the State Programme for reforming the child protection system (Res. No. 1242, Cabinet of Ministers) and:

(a) To expand the placement of children in extended and foster families and other types of family-type placements;

(b) To strengthen the legislative and regulatory framework in order to facilitate family reintegration;

(c) To effectively monitor all care arrangements for children, particularly the placement of children with disabilities or special needs in institutions, including by strengthening the technical, human and financial resources of the Children's Affairs Offices;

(d) To take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) and the Council of Europe Parliamentary Assembly resolution 1762 (2010) on children without parental care: urgent need for action in the implementation of the above recommendations.

6.1.3. Children in street situations

- Develop a national strategy for the prevention of, support to and social reintegration of children in street situations;
- Increase the number and quality of available shelters and psychosocial rehabilitation centres for children in street situations;
- Ensure that children in street situations are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development.

6.1.4. Children with disabilities

- 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. In this endeavour, the Committee recommends that Ukraine address all priorities highlighted in the WHO European Declaration on the Health of Children and Young People with Intellectual Disabilities and their Families (endorsed by member States of the WHO European Region in 2010);
- Develop and strengthen early intervention services for children with disabilities and support to their families to prevent the institutionalization of children, in cooperation with parents' organizations;
- Establish a monitoring system for residential institutions for children with disabilities which closely examines the situation of their rights in these facilities, and ensure that monitoring favours the participation of civil society organizations and incorporates concrete steps to follow up recommended actions.

6.1.5. Child labour

- To provide the Gosnadzortruda with adequate human, technical and financial resources in order that it may undertake systematic and effective inspections that ensure strict compliance with legislation on child labour;
- To consider expanding the mandate of Gosnadzortruda to comprise also the informal sector of the economy and the family realm;
- To enhance monitoring of child labour in the informal sector through use of the Child Labour Monitoring System operated by the International Program on the Elimination of Child Labour;
- To ensure the effective enforcement of applicable sanctions against persons violating existing legislation on child labour, in particular through training on international standards relating to child labour for inspectors of the Gosnadzortruda and other law enforcement agencies;

6.2. National Minorities and Indigenous Peoples

6.2.1. Rights of minorities and indigenous people

Treaty Bodies

➤ CERD (2016):

- Include "national origin" and "descent" as grounds for racial discrimination in the Act on the Principles of Preventing and Combating Racial Discrimination as well as in other legislation relating to the prohibition of racial discrimination.
- Develop in consultation with all minority representatives, a clear and coherent institutional framework on minority issues and establish a specialized institution mandated to deal with minority issues and provide it with all necessary human and financial resources.

- Strongly condemn and distance itself from racist hate speech and discriminatory statements in public discourse, including from public figures, and call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred.

- In the light of its general recommendations No. 7 (1985) and No. 15 (1993) relating to the implementation of article 4 of the Convention, the Committee recommends that the State party take appropriate measures to:

(a) Ensure that all reported hate crime cases are registered and effectively investigated under article 161 of the Criminal Code, that those persons responsible are prosecuted where appropriate and, if found guilty, punished with appropriate penalties;

(b) Condemn the practice of denying certain groups access to public places and to investigate all reports of denial of access to public facilities;

- In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies.

➤ CERD (2011):

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

- Adopt legislation to protect indigenous peoples and guarantee their economic, cultural and social development.

Special procedures

➤ Special Rapporteur on minority issues

- It is essential that any revisions to existing legislation or policy as well as newly adopted laws, including relating to the status and use of minority languages, fully conform with international standards relating to equality, non-discrimination and minority rights;

- All relevant authorities have an obligation to act swiftly to protect all religious groups in all localities, their places of worship, monuments and burial sites, particularly during periods of heightened tension, and to prosecute the perpetrators of violations against them.

- At the time of the visit there were only six staff members within the Ministry of Culture with direct responsibility for minority issues. The Government must recognize the wider scope of minority rights that includes, but goes beyond cultural issues and ensure appropriate ministerial-level attention to minority issues;

- The establishment of a consultative and advisory body on minority with frequent and regular sessions, empowered to consider a wide range of issues of relevance to minorities, including issues of minority languages and education, religious affairs, and measures to address practically and prevent ethnic tensions from emerging.

6.2.2. Crimean Tatars

Treaty Bodies

➤ CERD (2016): Increase its efforts, in consultation with Crimean Tatars community, to find durable solutions for an appropriate settlement of Crimean Tatars in Ukraine, including by providing or facilitating access to employment, social services and education and providing education in Tatar language to children. The Committee also recommends that the State party strengthen the measures aimed at ensuring favourable conditions for Crimean Tatars to preserve, develop and promote their identity, language and culture.

➤ CERD (2011): Ensure the restoration of political, social and economic rights of Tatars in the Crimea, in particular the restitution of property.

➤ UPR: no effort be spared for the improvement of the current status and living conditions of the Crimean Tatars along with the other minorities.

6.2.3. Roma

Treaty Bodies

➤ CERD (2016):

– Firmly combat any discriminatory act against Roma and investigate incidents of attacks and killings of Roma including the areas of eastern Ukraine that are under the control of the government of the State party. The Committee further recommends that the State party provide all necessary resources for the implementation of the Strategy for the Protection and Integration of Roma National Minority until 2020 and its Action Plan including at the local level.

– Recalling its general recommendations No. 27 (2000) on discrimination against Roma and No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party:

(a) Strengthen its efforts to firmly combat racial discrimination and prejudices against Roma and address the challenges that Roma continue to face in many areas, such as access to employment, education and housing;

(b) Firmly address employment challenges faced by Roma, in particular Roma women;

(c) Consult with Roma communities when implementing such integration measures, including at the local level;

(d) Provide adequate funding for all programmes, strategies and other policies relating to the integration of Roma;

(e) Strengthen its efforts to provide all Roma with identity documents free of charge;

(f) Strengthen its measures to improve access to education for Roma children, reduce the illiteracy rate and the school attendance drop-out of Roma children.

➤ HRC:

– Allocate sufficient resources for the effective implementation of the Strategy on protection and integration of Roma.

– Address the segregation of Roma children in schools and their overrepresentation in special education schools by ensuring the effective enforcement of its anti-discrimination legislation and by raising teachers' and the general public awareness of these laws. It further recommends that the State party adopt an inclusive approach to the education of Roma children.

➤ CERD (2011):

– Provide education to Roma children, and on Roma language and culture.

– 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. CRC made similar observations.

6.2.4. Education and language rights

Treaty Bodies

➤ CERD (2016): Provide adequate financial support to cultural organizations for their activities and create more opportunities for Crimean Tatars to promote and use their mother tongue in education and daily life.

➤ CESCR: Ensure the meaningful and comprehensive participation of concerned minorities in the process of drafting the new language law with a view to giving expression to the linguistic diversity of different minorities.

➤ CRC: Develop a national plan of action for human rights education

Special procedures

➤ Special Rapporteur on minority issues

– Any revised language law must be carefully considered and sensitively addressed to ensure that it fully conforms with international standards for the protection of the linguistic rights of minorities, while

equally not undermining the knowledge and use of Ukrainian. It should not weaken standards previously established in the 2012 Language Law.

- Education curriculums should reflect the diversity of Ukraine and enable students to learn about their own origins, cultures and religions, but also those of others, in a positive way that recognizes the contributions of all groups to society. Minority and mother tongue schools, while legitimately maintaining minority languages and cultures, should also be required to educate on the wider ethnic, national, social and religious make-up of society. National curriculum should include education on active citizenship.

➤ UPR:

- Promote education in the languages of the national minorities, including in the areas where the number of students may be decreasing.
- Further ensure, in a sustainable way, the education in minority languages.
- Ensure adequate funding for the public education system and improve the availability, accessibility and quality of general education in rural areas.

6.2.5. Participation of minorities in decision-making

Special procedure

➤ Special Rapporteur on minority issues:

- It is essential to begin a process of national dialogue with the objective of understanding the concerns and issues of all communities and ensuring that they are addressed appropriately and rapidly. Moderate voices must come to the fore. This must be achieved through decision making processes that are inclusive and which respect diversity and political structures that ensure the participation of all, including minorities;

- Policies to guarantee representation of minorities in Parliament include reserved seats or the re-drawing of electoral districts to allow compact minority communities to elect their own representatives, and should be considered. The Special Rapporteur urges consideration of the recommendations of the Forum on Minority Issues which addressed minorities and effective political participation during its second session;

- The Declaration on Minorities (Art 5) calls for programmes of cooperation and assistance among States with due regard for the legitimate interests of minorities. Article 6 requires States to cooperate on questions relating to minorities in order to promote mutual understanding and confidence. Under Article 7, States should cooperate to promote respect for the rights set forth in the Declaration. States with large diaspora communities are urged to take all possible steps to promote reconciliation and to defuse tensions where they exist. They must avoid actions that undermine confidence or incite, fuel or support violent or separatist movements on the part of minorities.

6.3. Refugees, asylum seekers and internally displaced persons

Treaty Bodies

➤ CERD (2016):

- Improve its asylum procedure by: a) enabling access to its territory to persons in need of international protection; b) allocating adequate resources for professional interpretation at all stages of the refugee status determination procedure.

- Avoid linking social benefits the IDPs status and the duty to register or to live in the areas controlled by the State party.

- Facilitate the registration of IDPs and strengthen its efforts to assist IDPs to obtain documentation.

- Make efforts to facilitate the integration of and durable solutions for IDPs.

- Adopt a national policy on IDPs and establish a national mechanism mandated to prevent and protect against internal displacement.

- Find durable solutions to internally displaced Roma and take measures to ensure that they benefit from assistance.

➤ CRPD: Systematically register internally displaced persons with disabilities and provide them with adequate standard of living.

- CAT:
 - Ensure that all persons applying for international protection have access to a fair refugee determination procedure and are effectively protected against refoulement;
 - Refrain from detaining asylum-seekers for prolonged periods, use detention only as a measure of last resort for as short a period as possible, promote alternatives to detention and revise policy in order to bring it in line with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum Seekers and Alternatives to Detention of the Office of the United Nations High Commissioner for Refugees;
 - Consider increasing the time for filing appeals and ensure that rejected applicants are not deported immediately upon conclusion of administrative proceedings before they are able to submit an appeal against a negative asylum decision; make available legal aid and interpreters;
- CESCR: take all the necessary measures to guarantee that asylum-seekers have full access to free emergency medical assistance.
- HRC: ensure that all persons applying for international protection are given access to a fair and full refugee determination procedure, are effectively protected against refoulement, and have access to counsel, legal aid and an interpreter. The State party should ensure that detention is only used as a last resort, and where necessary, for as short a period as possible and provide alternatives to detention. It should also consider increasing the time span for filing appeals and ensure that rejected applicants are not deported immediately after the conclusion of the administrative proceedings before they can submit an appeal against a negative asylum decision.
- CRC:
 - Ensure that unaccompanied asylum-seeking children are promptly appointed a legal representative in order to effectively access the asylum procedure, as well as assistance and protection, including access to free interpretation;
 - Ensure that no asylum-seeking or refugee child is deprived of his or her liberty;
 - Amend existing regulations to ensure the birth registration of and issuance of birth certificates to children of asylum-seekers born in the State party

Special procedures

- Special Rapporteur on internally displaced persons
 - Registration should be harmonized for IDPs, with documentation for access to essential services and the chance to gain employment and livelihood opportunities, and to vote in elections.
 - The Government must ensure as an urgent priority that appropriate accommodation, including winterized shelter where necessary, is provided for all IDPs, to alleviate the severity of the challenges. The Government should take every measure to ensure that no one lacks access to heated housing in which they can live in dignity.
 - While primary health-care needs are being met, including psychosocial care, free access to medicines must be provided for all IDPs who lack resources. ... Specific challenges include access to kindergarten places, ensuring all children are attending school, and assisting students to find places to continue higher education courses without additional costs.
 - Particular attention should also be given to those IDPs belonging to marginalized groups or minorities such as Roma to ensure that all have equal access to assistance and support services and that no discrimination exists with regard to their seeking and gaining assistance. Lack of documentation should not be a criteria for denying assistance and pro-active outreach to such population groups should be undertaken.
 - National and regional authorities should establish integrated planning informed by displacement dynamics and ensure that urban development and upgrading plans, as well as poverty reduction plans, include aspects specific to internal displacement.
- OHCHR: develop special simplified procedures for people who have been deprived of their identification documents due to the conflict to obtain temporary travel documents;

6.4. Persons with disabilities (CRPD)

6.4.1. Legal changes

- CRPD calls upon the State party to remove the reference to “invalids” or “persons with limited abilities” from all its legislative and policy documents, including the Ukrainian translation of the Convention and use terminology that is in compliance with the Convention in consultation with the representative organizations of persons with disabilities.
- The Committee encourages the State party to take all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.
- Fully harmonize its provisions with article 12 of the Convention, as elaborated in the Committee’s General Comment No. 1 and recognize the full legal capacity of all persons with all types of disability.

6.4.2. Accessibility

- Efficiently implement its plan “Ukraine without Borders” and monitor implementation of accessibility standards by:
 - (a) clearly defining the organs with the mandate to monitor the implementation at all levels;
 - (b) capacity-building and continuous training in charge of monitoring;
 - (c) involving organizations of persons with disabilities in the implementation and monitoring;
 - (d) imposing effective sanctions on those who fail to apply accessibility standards.
- Ensure access to premises open to the public for persons with disabilities, including children and especially deaf persons, blind persons and persons with intellectual disabilities, by providing sign language interpretation, Braille print signage, and augmentative and alternative communication, and all other accessible means, modes and formats of communication, such as pictograms. In doing so, the Committee recommends to consult its General comment no. 2 (2014) on accessibility.

6.4.3. Women and children with disabilities

- Revise its normative standards in order to provide access for all women and girls with disabilities who are subjected to violence, including physical access to its shelters and services aimed at victims of domestic violence.
- Ensure the safety of all boys and girls with disabilities in its conflict affected areas by all possible means and especially those living in institutions to be among the priority groups to be evacuated in emergencies. Furthermore, it recommends to strengthen its efforts for deinstitutionalization and, in the interim period, provide boys and girls with disabilities in institutions with adequate standards of living including quality nutrition and access to privacy.

6.4.4. Right to life

- Implement immediate protection measures for children with disabilities who remain institutionalized and take measures to eliminate any risks of organ trafficking involving children with disabilities.
- Prioritize persons with disabilities in its evacuation plans, including by training the personnel involved. The Committee further recommends to mainstream disability in all humanitarian aid channels and involve organizations of persons with disabilities in setting priorities on aid distribution.

6.4.5. Protecting the integrity of the person

- Abolish the practice of sterilization without free and informed consent of the person with disability, and to abolish article 281 of the Civil Code accordingly. The Committee also calls upon the State party to provide remedies to the victims of forced sterilization.

6.4.6. Living independently and being included in the community

– Adopt measures for deinstitutionalization and to allocate sufficient resources for development of support services in local communities that would enable all persons with disabilities, to choose freely with whom, where and under which living arrangements they will live.

6.4.7. Right to vote

– Amend the relevant laws so that all persons with disabilities can enjoy the right to vote and stand for election regardless of guardianship or other regimes. It also recommends that the State party ensure, through legislative and other measures, the accessibility of ballots and election materials, and of polling stations.

6.4.8. Equal recognition before the law

– To replace Ukraine's guardianship and mental health law with supported decision making mechanisms and abolish all deprivation of legal capacity both fully and partially in relation to all persons with disabilities.

6.4.9. National implementation and monitoring

– Establish an independent body that should be entrusted with the mandate of the independent national monitoring mechanism in line with article 33, paragraph 2, of the Convention and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), with allocation of adequate financial and human resources.

Theme 7: Right to health

7.1. General provisions

Treaty bodies

➤ CESCR:

– Expedite the process of establishing a mandatory national health insurance system in the context of ensuring a sustainable public social security system without prejudice to maintaining the guaranteed universal health care services provided free of charge.

– Progressively increase the health care expenditure as a proportion of gross domestic product (GDP) with a view to giving practical expression to its obligation in fulfilling the right to health under the Covenant and the State party's Constitution;

– Take measures to further improve the infrastructure of the primary health care system, including dental care;

– Take concrete measures to address the problem of the high health care costs, the shortage of certain drugs and the limited availability of health care services, especially in rural areas, in order to ensure de facto access to affordable, quality and timely health care and medical treatment for all segments of the population, including disadvantaged and marginalized individuals and groups;

– Reverse the current negative trend in vaccination coverage.

– Step up its efforts with a view to further reducing the high rate of infant, child and maternal mortality, including by improving the quality, availability and accessibility of medical assistance throughout the country.

– Step up its measures with a view to improving its policies and strategies for disease prevention and detection, ensuring sufficiency and accessibility of specialized tuberculosis treatment and medication and adequate service delivery for patients at the primary health care level.

➤ CRC:

– Strengthen the promotion of breastfeeding and enforce the International Code of Marketing of Breast-milk Substitutes. The CRC also urges Ukraine to recommit to child immunization and provide factual information to the general public in this respect.

- Undertake a comprehensive study on adolescent health problems and use this as basis for formulating adolescent health policies and programmes in the school curriculum. It recommends that such programmes focus on the prevention of teenage pregnancies, unsafe abortions and sexually transmitted diseases, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. It further recommends that Ukraine invest in adolescent-health-care personnel, facilities and services, especially in rural areas. The CRC further recommends that Ukraine take urgent measures to reduce maternal deaths relating to teenage abortions and ensure by law and in practice that the views of the child always be heard and respected in abortion decisions.

- Develop a comprehensive national child mental health policy, along with all obligatory components of core recommendations by WHO, including mental health promotion, counselling, prevention of mental health disorders in primary health care, schools, communities, and child-friendly outpatient and inpatient child mental health services. The CRC also recommends that Ukraine strengthen efforts aimed at suicide prevention among children and youth, including by increasing available psychological consultation services and social workers in schools.

7.2. HIV-AIDS

Treaty bodies

CESCR:

- The State party should continue its efforts to prevent and combat HIV/AIDS, including through the effective implementation of the National HIV/AIDS Programme 2014–2018, inter alia by:

- (a) improving the coverage of adequate confidential testing throughout the country;
- (b) enhancing its counselling and referral services;
- (c) addressing shortages of antiretroviral drugs;
- (d) providing for access to adequate laboratory monitoring for HIV-infected persons;
- (e) progressively increasing the antiretroviral therapy coverage, including by considering the introduction of generic-based antiretroviral drugs.

7.3. Drug use

Treaty Bodies

➤ CAT:

- addressing the discrimination against drug dependent persons;
- providing appropriate health-care, psychological support services and rehabilitation to such persons, including effective drug dependence treatment such as opioid substitution therapy (OST);
- allocating financial resources for the proper operation of opioid substitution therapy (OST) and needle and syringe exchange (NSE) programmes and increasing their coverage, ensuring inter alia better access to such programmes in prison settings.

➤ CRC:

- 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.

- Develop specialized and youth-friendly drug-dependence treatment and harm-reduction services for children and young people, building on recent legislative progress on HIV/AIDS and the successful pilot programmes for most-at-risk adolescents initiated by UNICEF;

- Ensure that criminal laws do not impede access to such services, including by amending laws that criminalize children for possession or use of drugs;

- Ensure that health and law enforcement personnel working with at-risk children are appropriately trained in HIV prevention and that abuses by law enforcement against at-risk children are investigated and punished

Theme 8: Labour

8.1. Work and just conditions

Treaty bodies

➤ CESCR:

- Step up its efforts to further reduce unemployment, in particular youth unemployment and unemployment among persons with disabilities, Roma and Crimean Tatars, including by:
 - (a) maintaining the incentives for employers who create new jobs for individuals who have been unemployed for at least two years, including persons who have difficulty competing on the job market, and ensuring that individuals so employed retain their jobs when such incentives are no longer offered;
 - (b) reviewing the vocational education and training system to ensure it reflects the current labour market demands;
 - (c) taking specifically targeted measures aimed at reducing youth unemployment;
 - (d) ensuring effective compliance by public and private companies and institutions with the 4 per cent quota accorded to persons with disabilities, including by providing for dissuasive sanctions for employers in case of non-compliance;
 - (e) ensuring equality of opportunity and treatment in employment for Roma and Crimean Tatars and providing for sustainable income-generating opportunities, including by enhancing their skills training.
- The State party should step up measures to address the problem of wage arrears, including by:
 - (a) ensuring that a wage guarantee institution is in place in order for workers to secure payment of their wages when such payment cannot be made by the employer due to insolvency;
 - (b) ensuring that mechanisms of redress provide not only for the full payment of the overdue amounts, but also for fair compensation for the losses incurred on account of delayed payment.
- The State party should take measures to progressively bring its State social standards in line with its core obligations under articles 7, 9 and 11 of the Covenant and progressively increase their amounts.

8.2. Poverty

Treaty Bodies

➤ 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.
- Ensure that poverty in families with children be addressed concretely in the poverty reduction and prevention programme 2010-2015.
- In accordance with article 27 of the Convention, the CRC recommends that Ukraine designate the National Plan of Action for Children as a strategic policy tool for children in the implementation of the State Programme for Economic and Social Development and subsequent poverty reduction programmes. It further urges Ukraine to target its poverty reduction and protection strategies to the benefit of vulnerable families with children.

➤ CEDAW and UPR recommended that Ukraine use a gender-sensitive approach in all poverty alleviation programmes.

8.3. Trafficking in human beings

Treaty Bodies

➤ CAT:

- Continue taking measures to prevent and eradicate human trafficking, including vigorous enforcement of anti-trafficking legislation and provide sufficient funds for the financing of the State Targeted Social Programme;
- Enhance international cooperation to combat human trafficking, in particular for the purpose of sexual and labour exploitation; including through bilateral agreements, and monitor its impact;
- Promptly, effectively and impartially investigate, prosecute and punish trafficking in persons and related practices.

- HRC: continue its efforts to prevent and eradicate trafficking in persons, including by effectively implementing the existing relevant legal and policy frameworks and by cooperating with neighbouring countries. It should ensure that allegations of trafficking in persons are thoroughly investigated, that those responsible are brought to justice, and that victims receive adequate medical care, free social and legal assistance and reparation, including rehabilitation. The State party should also ensure that legal alternatives are available to victims that may face hardship and retribution upon removal.
- CEDAW: 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. CRC also recommended that Ukraine seek technical assistance from UNICEF, IOM and other partners.
- CRC:
 - To continue to step up its efforts in harmonizing national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography, in particular as it relates to child prostitution and all other forms of sexual exploitation of children;
 - To intensify public information and awareness campaigns on trafficking of children, focusing on the risks of being enticed through, inter alia, promises of work abroad, modelling, studies abroad and participation in beauty contests.
- UPR:
 - Allocate adequate resources to ensure the effective implementation of the Combatting Trafficking in Persons Act (2011).
 - Redouble its efforts in regard to combating trafficking in persons, particularly in combating the trafficking of children for sexual and labour exploitation, including through addressing the root causes of trafficking, establishing additional shelters for rehabilitation and social integration of victims and ensuring systematic investigation, prosecution and punishment of traffickers.

Theme 9: Adequate standards of living

- CERD (2016):
 - Firmly prevent and protect refugees and asylum seekers from any hate crime and hate speech and facilitate the integration of refugees including through access to the labour market and improve their access to education, language skills, vocational training and employment services.
 - Facilitate access to housing for IDPs or provide them with the assistance needed to find alternative housing.
- CRPD:
 - Review its budgetary allocations and increase the disability pension in order to provide persons with disabilities with adequate standard of living. The Committee also recommends that the State party ensure that resources for persons with disabilities are not adversely affected by inflation, budget cuts or any forms of crisis.
 - Strengthen legislation to extend the application of the principle of reasonable accommodation to all areas of life and make the failure to provide it punishable by law.
- CESCR:
 - The State party should, taking into account Committee's general comment no. 4 (1991) on the right to adequate housing, adopt all appropriate measures to ensure access to adequate housing for Roma, inter alia by ensuring that adequate resources are allocated to increase the supply of social housing units and by providing appropriate forms of financial support, such as rental subsidies. The Committee also recommends that the State party take steps to ensure that Roma communities are consulted throughout the eviction procedures, are afforded due process guarantees and are provided with alternative accommodation or compensation enabling them to acquire adequate accommodation, taking into account the guidelines adopted by the Committee in its general comment no. 7 (1997) on forced evictions. The Committee further recommends that the State party take effective measures to secure access to adequate housing and food for asylum-seekers.
- OHCHR:

- All incidents of illegal seizure of property must be promptly investigated; clear procedures should be developed to return the property to the lawful owners;
- Develop a comprehensive and effective legal mechanism for civilians whose property has been damaged, looted or seized for military purposes to seek and receive restitution and compensation;

Theme 10: National Human Rights Institutions

Treaty bodies

- CAT: Ensure that the Parliamentary Commissioner and other independent mechanisms regularly monitor and visit all places of detention and are able to carry out unannounced visits;
- HRC: Provide the Office of the Commissioner for Human Rights with additional financial and human resources commensurate with its expanded role, to ensure fulfilment of its current mandated activities and to enable it to carry out its new functions effectively.

Special procedure

- Special Rapporteur on extrajudicial, summary or arbitrary executions
 - The mandate of the Office of the Ombudsperson must be strengthened, including by giving it clear oversight of all places of detention or interrogation, defined broadly as any place in which State officials have (or the Ombudsperson suspects that they have) the ability to detain an individual for any purpose, including questioning.
- Special Rapporteur in minorities issues
 - A dedicated Ombudsperson or similar structure mandated to address minority issues and receive complaints from minorities should also be considered;
- OHCHR:
 - Amend the law 'On the Civil Service' (No. 2490) to prevent any interference in the independence of the Institution of the Ombudsperson, in accordance with the 'Paris Principles';

Theme 11: Awareness raising, training and capacity building

Treaty bodies

- CERD (2016):
 - Improve its asylum procedure by providing training to the officers of the State Migration Service.
 - Increase public awareness-raising campaigns and other measures to counter incitement to hatred and hate crimes and continue to train law enforcement officials in this area.
- CRPD:
 - Allocate sufficient financial resources for training and hiring of sign language interpreters in the area of public services and ensure sufficient amount of broadcasting services accessible to persons with hearing impairments, to take measures to invest in Braille and audio publications as well as make available Ukrainian language audio description and captioning of video content.
- CAT:
 - Further develop and strengthen training programmes to ensure that all public officials, including law enforcement, prison and immigration officers, as well as judges are aware of the provisions of the Convention;
 - Ensure that law enforcement officials are trained in and comply with the Code of Conduct for Law Enforcement Officials (adopted by the General Assembly through resolution 34/169 of 17 December 1979) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held 27 August – 7 September 1990).
 - Provide training to the State party's officials, members of the security services or military personnel on the provisions of the Convention, human rights law and international humanitarian law;
 - Provide training on the Istanbul Protocol for medical personnel and other officials involved in dealing with detainees and asylum seekers in the investigation and documentation of cases of torture;

- Develop methodologies to assess the effectiveness and impact of training.
- Provide specialized training to the police, prosecutors and judges, migration officers, border police, community support officers, psychologists and trainers, including on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on effective prevention, investigation, prosecution and punishment of acts of trafficking and continue nationwide awareness-raising and media campaigns about the criminal nature of such acts;
- Ensure that law enforcement and judicial authorities as well as medical and social workers are provided with appropriate training to deal with cases of domestic violence; continue to enhance awareness-raising efforts in order to sensitize members of the general public;
- conducting awareness-raising programmes about the serious health risks associated with drug use;
- CESCR:
- Continue its efforts to prevent and combat HIV/AIDS, including through the effective implementation of the National HIV/AIDS Programme 2014–2018, inter alia by:
 - (f) enhancing its national preventive strategy, including its awareness-raising activities, taking into account the spread of HIV infection beyond the original risk groups and providing adequate funding for its prevention activities, including for needle and syringe exchange (NSE) programmes;
 - Taking into account the Committee’s general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights: take measures to change society’s perception of gender roles, including through awareness-raising campaigns on shared family responsibilities for men and women and about equal career opportunities as a result of education and training in fields other than those traditionally dominated by either sex.
 - HRC: Strengthen its efforts to combat hate speech and racist attacks, by, inter alia, instituting awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity. The State party should also step up its efforts to ensure that alleged hate crimes are thoroughly investigated, that perpetrators are prosecuted under article 161 of the Criminal Code and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated.
- UPR:
 - Give adequate training on the Law on combating trafficking in human beings to all those involved in the fight against human trafficking, especially border guards.
 - Respect its international commitments on fundamental rights related to non-discrimination, prevent the adoption of a law prohibiting freedom of expression with regards to homosexuality and raise awareness of civil society on combating all forms of discrimination, including discrimination based on sexual orientation and gender identity.
- OHCHR: law enforcement agencies must facilitate peaceful assemblies, ensuring the protection of participants, irrespective of their political views. In this context, law enforcement officers must receive adequate training for handling rallies and protests in line with the international human rights standards;

Theme 12: Statistical data

Treaty bodies

- CERD (2016):
 - Provide the Committee with any updated available, reliable and comprehensive economic and social indicators based on ethnicity, nationality or country of origin and drawn from academic or social surveys carried out in this field.
 - Collect and make available disaggregated statistics on the number of reported cases relating to hate speech and hate crimes, the number and the nature of hate speech and hate crimes committed, the number of cases brought to court and the origin and outcome of those cases;
- CAT:
 - Compile statistical data relevant to the monitoring of the implementation of the CAT at the national level, including data on complaints, investigations, prosecutions and convictions of cases of torture and ill-

treatment, extrajudicial killings, enforced disappearances, trafficking and domestic and sexual violence as well as on means of redress, including compensation and rehabilitation, provided to the victims.

- Provide the Committee with comprehensive disaggregated data on the number of investigations, prosecutions and sentences handed down for human trafficking and on the provision of redress to the victims.

- Compile and provide the Committee with disaggregated data on the number and nature of complaints, investigations, prosecutions and sentences handed down for acts of domestic violence, on the provision of redress to the victims and on the difficulties experienced in preventing such acts.

- CESCR:

- Collect statistical data, on the basis of voluntary self-identification, on the number of Roma living in the country and on their situation in the areas of employment, social security, housing, healthcare and education with a view to formulating, implementing and monitoring targeted and co-ordinated programmes and policies at national and regional levels aimed at improving their socio-economic situation;

- Establish a statistical data collection system to assess the enjoyment of economic, social and cultural rights situation by disadvantaged and marginalized individuals and groups, including but not limited to Crimean Tatars, persons with disabilities, persons living with HIV/AIDS and non-citizens, with due respect for the principles of confidentiality, informed consent and voluntary self-identification of persons as belonging to a particular group.

- CRC:

- Take the necessary measures for the creation of a national database with comprehensive data, disaggregated by age, sex, and ethnic and socio-economic origin, on the observance of children's rights. In particular, the system should provide adequate attention to children in vulnerable situations who may require special protection measures.

- Take prompt steps to put in place an effective data collection and information storage system with respect to the registration of refugees and asylum-seekers and ensure that official statistics on asylum-seeking children and refugees comprise all persons under the age of 18;

Special procedures

- Special Rapporteur on internally displaced persons: noting the lack of comprehensive data on the number, location and needs of IDPs, full registration and profiling, including a comprehensive needs assessment, are essential. Data should also be gathered on the needs of families and communities hosting IDPs that may be significantly affected and also require assistance.

- OHCHR: collect and make publicly available comprehensive and reliable gender-disaggregated statistics concerning IDPs and other people affected by the conflict (including those killed and wounded).

Theme 13: International humanitarian law and conflict-related issues

- OHCHR:

- The report of the UN Sub-Committee on the Prevention of Torture following its visit to Ukraine in 2011 should be made public immediately and taken into consideration by the authorities when considering issues related to torture, ill-treatment, and detention related matters;

- Report on, and investigate all cases and incidents of civilian casualties caused by military action;

- Establish civilian casualty mitigation cells within their competent bodies to prevent violations of international humanitarian law leading to civilian casualties;

- Ensure that civilians enjoy general protection from the dangers arising from military operations, including the possibility to voluntarily and rapidly leave areas affected by violence; to this end, facilitate movement across the contact line and remove any obstacles to the free and safe passage of civilians and humanitarian assistance;

- Prioritise demining activities, in particular, in places of expected returns of IDPs and conduct mine risk awareness outreach to children and communities;

- Implement demining activities along major transport routes to checkpoints to remove explosive remnants of war and improvised explosive devices from roadsides; clearly and properly mark territories which have not been demined; cease the practice of planting booby traps;
- Ensure free and unimpeded access for humanitarian actors to all necessary areas as well as the rapid and non-discriminatory delivery of humanitarian assistance, while adhering to international norms and ensuring the protection of humanitarian actors;
- Ensure the treatment with due respect and dignity of the bodies and remains of people killed as a result of hostilities.
- Exchange information and otherwise cooperate to establish the whereabouts of people who went missing in the conflict zone, and provide unimpeded access of relatives of missing persons to the information related to the whereabouts and condition of their relatives.
- Establish, with the participation of civil society, a mechanism for periodic review of the necessity of derogation measures and lift the derogation as soon as it is no longer strictly required; ensure full compliance of Ukrainian legislation with ICCPR provisions, particularly articles 2(3), 9, 12, 14 and 17.
- Develop special simplified procedures for people who have been deprived of their identification documents due to the conflict to obtain temporary travel documents.

Glossary

CAT – Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CPC – Criminal Procedure Code

CEDAW – Committee on the Elimination of Discrimination against Women

CERD – Committee on the Elimination of Racial Discrimination

CESCR – Committee on Economic, Social and Cultural Rights

CRC – Committee on the Rights of the Child

HRC – Human Rights Committee

ICCPR – International Covenant on Civil and Political Rights

OPCAT – Optional Protocol on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

UPR – Universal Periodic Review

WGAD – Working Group on Arbitrary Detention

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