



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Eighth periodic report submitted by Ukraine
under article 40 of the Covenant, due in 2018***

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Abbreviations

CCPR/C/UKR/CO/7	Concluding observations of the Human Rights Committee on the seventh periodic report of Ukraine
CCPR/C/121/4	Report on follow-up to concluding observations of the Human Rights Committee on the results of consideration of the interim report of Ukraine on the implementation of its recommendations set forth in paragraphs 6, 10, 15, 17
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
NPM	National Preventive Mechanism
OSCE	Organization for Security and Cooperation in Europe
THF	Temporary Holding Facility
UNECE	United Nations Economic Commission for Europe
Venice Commission	European Commission for Democracy Through Law

I. Methodology and preparation process

1. This Report has been prepared in accordance with the requirements of the Compilation of Guidelines on the Form and Contents of Reports to be submitted by States Parties to International Human Rights Treaties (HRI/GEN/2/Rev.6 of 31 June 2009) and taking into account the recommendations of the United Nations Human Rights Committee to the Seventh Periodic Report of Ukraine and the results of consideration of the Interim Report of Ukraine on the implementation of its recommendations contained in paragraphs 6, 10, 15 and 17.
2. The Report was prepared by the Ministry of Justice of Ukraine with the involvement of all relevant public authorities in Ukraine. In pursuance of recommendation 22, extensive consultations were held with international and national non-governmental organizations. The recommendations received were taken into account during the finalization of the Report.

II. Fulfilment of the Covenant articles' obligations

Article 1

3. Under the Constitution of Ukraine, the people are the bearer of sovereignty and the sole source of power in Ukraine. The State shall promote the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as the development of the ethnic, cultural, linguistic, and religious identities of all indigenous peoples and national minorities. Ukraine shall provide for meeting the national, cultural, and linguistic needs of Ukrainians residing beyond the borders of the State. The land, its subsoil, atmosphere, water and other natural resources within the territory of Ukraine, and the natural resources of its continental shelf and of the exclusive (maritime) economic zone shall be the objects of property rights of the Ukrainian people.

Article 2 (taking into account recommendations 5–15, 18 and 20 in CCPR/C/UKR/CO/7 and 6 and 10 in CCPR/C/121/4; and the Optional Protocol to the ICCPR)

4. In accordance with the Constitution of Ukraine, there shall be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics.
5. Law of Ukraine 5207 of 6 September 2012 “On the Principles of Preventing and Combating Discrimination in Ukraine” was substantially amended in 2014 to bring it into line with international standards. This Law clearly defines the concepts of direct and indirect discrimination. The Ombudsman received additional powers to enforce protection against discrimination, in particular the right to appeal to a court with allegations of discrimination. The Law clarifies the list of bodies that carry out mandatory anti-discrimination analysis of draft legislation.
6. Draft law 3501 of 20 November 2015 “On Amendments to Certain Laws of Ukraine (regarding harmonization of legislation in the field of preventing and counteracting discrimination with the Law of the European Union)” is expected for its second reading in the Parliament. The draft law defines the terms “discrimination by association”, “multiple discrimination” and “victimization”, clarifies the competence of the Ombudsman for preventing and combating discrimination, establishes a fine for violating legislation in this field, and specifies the list of circumstances in which establishing certain restrictions or privileges is not considered to be discrimination.
7. Article 161 of the Criminal Code of Ukraine establishes responsibility for violation of citizens' equality based on race; colour of skin; political, religious and other convictions;

sex; ethnic and social origin; property status; place of residence; and linguistic or other characteristics.

8. The Labour Code of Ukraine was amended in 2015 to specifically prohibit discrimination based on sexual orientation and gender identity in employment and occupation.

9. Law of Ukraine 2249 of 19 December 2017 brought the terminology of legislation into compliance with the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. In particular the words “physically disabled person”, “disabled person”, “war disabled”, and “disabled child” were replaced by “person with a disability”, “person with disabilities suffered in war”, and “child with a disability”.

10. The National Strategy on Human Rights (Presidential Decree 501 of 25 July 2015) is intended to ensure coordination within governmental authorities to prevent and combat discrimination; enhance the effectiveness of the legal mechanism for prosecution of cases of discrimination; and expand educational and awareness-raising work to overcome stereotypes, prejudices and intolerance in society.

11. The draft law of Ukraine “On Amendments to Some Legislative Acts of Ukraine on Counteracting Discriminatory Practices” provides for amendments to the Criminal Code.

12. Since 2015 there has been a National Contact Point on Hate Crimes within the National Police of Ukraine. The National Contact Point monitors the Unified Register of Pre-trial Investigation for investigations of criminal proceedings initiated on the basis of racial, national, or religious intolerance; analyses and verifies information obtained from the media on criminal cases that are mentioned; and cooperates with the OSCE Office for Democratic Institutions and Human Rights.

13. In 2012 three criminal cases committed on the basis of racial, national, religious violence and hatred were investigated. In 2015–2017, the number of criminal cases opened in this category increased to 229. Of these, 11 were sent to the court as indictments. In 2018, 154 cases of alleged crimes committed on the basis of hatred are currently in progress, covering alleged crimes committed in previous years. Since 2015, five convictions have been made.

14. A system is in place to train police officers to apply national legislation in the fight against violence based on intolerance with appropriate training topics. New recruits to the police service study the subject “Ensuring human rights and freedoms. Freedom from torture, cruel, inhuman or degrading treatment or punishment. Practice of the ECtHR”. The course on combating discrimination was included into the training programmes of civil servants.

15. The Kyiv Pride equality march, initiated by Ukrainian Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) activists, has been held in Ukraine every year since 2012. Seven criminal cases have been initiated on the basis of suspected offences committed in 2017: one of these is pending before court and three are at the stage of pre-trial investigation.

16. In 2016, the Ministry of Health rescinded its Order 60, which foresaw extensive psychiatric observation of transgender people before gender reassignment surgery was permitted. Instead, the new Order 1041 foresees a procedure under which the transgender person defines the extent of the surgical operation.

17. Draft law 1155 of 24 December 2012 “On Prohibition of the Promotion of Homosexual Relations for Children” was withdrawn on 15 April 2014.

18. Draft law 0945 of 12 December 2012 “On Amendments to Certain Legislative Acts of Ukraine (on the Protection of Children’s Right to a Secure Information Space)” was withdrawn on 9 September 2014.

19. Ukraine is one of the founding Member States of the Equal Rights Coalition launched at the Global LGBTI International Human Rights Conference in Montevideo in 2016. The Coalition exchanges information on best practices for the advancement and protection of LGBTI persons, coordinates the implementation of appropriate measures at

international level, and provides necessary technical assistance to States Parties to implement reforms aimed at ensuring the rights of LGBTI individuals.

20. Law of Ukraine 1402 of 2 June 2016 “On the Judiciary and the Status of Judges” stipulates that all persons are guaranteed the protection of their rights, freedoms and interests within a reasonable time frame by an independent, impartial and fair court. Justice in Ukraine is performed on the basis of equality for all participants through a court process before the law and the court regardless of race; colour; political, religious or other beliefs; gender; ethnic or social origin; property status; place of residence; language and other characteristics.

21. Law of Ukraine 3460 of 2 June 2011 “On Free Legal Aid” stipulates that it is not allowed to apply privileges or restrictions vis-à-vis persons based on race; skin colour; political, religious and other convictions; gender; ethnic and social background; place of residence; language; and other factors, when exercising the right to free legal aid.

22. According to Article 55 of the Constitution of Ukraine all persons have the right to appeal for protection of their rights to the Ombudsman.

23. The Ombudsman’s budget increases every year. The budget of the Secretariat was envisaged to be 51.3 million UAH in 2017 and 78.3 million UAH in 2018. Eleven regional branches and 21 regional coordinators are now operating.

24. Valid international treaties that the Parliament accepted as binding (including the ICCPR) are part of the national legislation of Ukraine and must be implemented according to the principle of *pacta sunt servanda*.

25. Draft law 2907 of 19 May 2015 “On Amendments to Certain Legislative Acts on Enforcement of the Decisions of International Organizations to Protect Human Rights” is currently under the consideration of the Parliament. The draft proposes to accept decisions of the United Nations Human Rights Committee as a separate ground for reviewing judgments by the Supreme Court. National courts have applied certain provisions of the ICCPR in taking more than 14 000 decisions, particularly for the following purposes: granting the right to marriage; recognition of the right to immovable and movable property; heritage; cases arising out of labour relations and while concluding or executing economic contracts, including privatization of property; debt collection; and bringing a judge to disciplinary responsibility.

Article 3 (taking into account recommendations 9, 14 in CCPR/C/UKR/CO/7)

26. According to the Constitution of Ukraine, equality of the rights of women and men shall be ensured by providing women with opportunities equal to those of men in public, political and cultural activity, in obtaining education and professional training, in work and its remuneration for it; by taking special measures for protection of the work and health of women; by establishing pension privileges, by creating conditions that allow women to combine work and motherhood; and by legal protection, material and moral support for motherhood and childhood, including the provision of paid leave and other privileges for pregnant women and mothers.

27. Law of Ukraine 2866 of 8 September 2005 “On Ensuring Equal Rights and Opportunities of Women and Men” ensures the equality of women and men in all fields of social life through legal enshrining of their rights and opportunities, and the application of special temporary measures, and aims to address the imbalance between the opportunities of women and men in exercising their rights. Gender and legal examination of legislation of Ukraine is provided for. Administrative and criminal responsibility for violations of legislation of Ukraine in this sphere is envisaged.

28. The Government has adopted its Strategy for Poverty Reduction. The Strategy was developed according to the 2015–2030 Sustainable Development Goals approved at the 2015 United Nations Sustainable Development Summit. The main goals of the Strategy include eliminating gender disparity in wages, strengthening public oversight over

discriminatory practices, and the gradual introduction of gender quotas for state-owned enterprises.

29. The “Education: Gender Dimension – 2021” Strategy for the Implementation of Gender Equality in Education was approved in 2018. The Strategy provides for inclusion of a gender component in educational programmes, gender mainstreaming in education and training, and training of specialists on gender equality and formation of a professional community.

30. A Governmental Commissioner for Gender Policy has been appointed. The Commissioner coordinates work in the gender field, monitors compliance with the principle of gender equality, participates in the development of state programmes for gender equality and cooperates with international organizations and civil society.

31. In 2018, the Government adopted the State Programme on Ensuring Equal Rights and Opportunities for Women and Men up to 2021. The Programme’s main tasks are to take into account the gender component in economic and social development programmes; reduce gender imbalance in the fields of public service and human resource management; and improve mechanisms for protection against discrimination on the grounds of sex.

32. In 2013 the Law of Ukraine “On Political Parties of Ukraine” was amended to introduce quotas of at least 30 per cent for persons of each gender as the minimum level of representation in electoral lists of political parties. State funding of the statutory activities of political parties is envisaged if, according to the results of the last parliamentary elections, the number of representatives of each gender does not exceed two thirds of the total.

33. Law of Ukraine 595 of 14 July 2015 “On Local Elections” envisages a 30 per cent gender quota in party lists for local elections.

34. The draft law 1456 of 12 December 2014 “On Amendments to Certain Legislation (on Ensuring the Equal Rights and Opportunities of Women and Men in Election Process)” is under consideration in the Parliament. This proposes that no more than 60 per cent of the first five in an electoral list should be of the same gender.

35. The number of women in Parliament has increased. There are currently 52 female MPs (between 2010 and 2014 there were 45) and 371 male MPs. The Government of Ukraine includes 21 men and 3 women. There were 2 women in the previous Government. The number of women within the ministries also increased. Currently, 797 women work in the central office of the Ministry of Justice (more than 70 per cent of all staff): of the ministry’s leadership, 40 per cent are women and 60 per cent are men. The proportion of women was 30 per cent in the Ministry of Interior, 74.6 per cent in the State Migration Service of Ukraine, 24.1 per cent in the State Border Guard Service of Ukraine, 15.7 per cent in the State Emergency Service of Ukraine, 22.7 per cent in the National Police of Ukraine, and 11.4 per cent in the National Guard of Ukraine.

36. Law of Ukraine 2229 of 7 December 2017 “On Prevention and Combating Domestic Violence” stipulates measures to prevent domestic violence and provide efficient assistance to victims of domestic violence; defines physical, sexual, psychological, economic violence in families; foresees responsibility for committing domestic violence and the responsibility of public officials for non-compliance with legal requirements in this field; and introduces a Unified Register of Cases of Domestic Violence and Violence on the Ground of Sex.

37. Within the framework of preparation for ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence, Law of Ukraine 2227 of 6 December 2017 amended the Criminal Code and the Criminal Procedural Code to increase responsibility for crimes related to domestic violence.

38. To support fulfilment of the approved National Action Plan for Implementing UN Security Council Resolution 1325 “Women, peace, security” for the period until 2020, the National Police launched the “Polina” pilot project to deploy mobile response groups against domestic violence in Kyiv, Odessa and Severodonetsk cities. Since the project became operational, 1,061 administrative protocols have been drawn up and 42 criminal cases initiated.

39. Mobile teams in ten regions are providing social and psychological assistance to victims of domestic violence and individuals who have found themselves in difficult circumstances due to gender-based violence. Since 2015, during the project implementation period, mobile brigades have detected more than 33,000 cases of violence.

40. Since January 2018 persons who have suffered from domestic violence or violence on the ground of sex have been eligible to free secondary legal assistance. Since then 630 persons who have suffered from domestic violence or violence on the ground of sex have applied for legal aid, 13 of whom applied for free secondary legal assistance.

41. Socially vulnerable groups, included persons who have suffered from various types of violence, have received access to free legal assistance. Local centres have established distant centres for accessing free legal centres. Mobile consulting groups visit remote communities.

42. Gender-based budgeting is included into the Strategy for Public Finance Management for 2017–2021, which is the basis for the budget process in Ukraine.

43. The national system of indicators of gender statistics includes 115 absolute and estimated indicators corresponding to European and international statistical standards. Ukraine uses the list of 73 indicators in the UNECE gender statistics database.

44. Order 256 of the Ministry of Health of 29 December 1993, which contained a list of 450 professions prohibited to women, was repealed.

45. In June 2016, the Ministry of Defence amended its Order 337 to significantly increase the list of combat positions open to women (290 positions were added). Now women can join military intelligence, and serve as military vehicle commanders, mortar commanders or snipers. More than 55,000 women are serving in the armed forces. More than 24,000 of them are service personnel (11.5 per cent of the total). More than 6,000 female service personnel and armed forces staff are engaged in the anti-terrorist operation (3 per cent of the total). Equal opportunities are also foreseen in selection of national staff for international peace support missions.

46. The draft law 6109 of 21 February 2017 “On Amendments to Certain Laws of Ukraine Concerning Equal Rights and Opportunities of Women and Men when Serving in the Armed Forces and Other Armed Formations” is pending consideration by Parliament. The draft law provides the possibility for women to conclude contracts for military service before reaching the maximum age for military service; establishes equal access to positions and military ranks and equal levels of responsibility when performing military service duties; and abolishes restrictions on women’s service in the military and the performance of military duties by men and women.

47. The Advisory Council on Prevention and Combating against Discrimination on the Grounds of Sex was established within the Ministry of Social Policy in 2012. It considers requests concerning discrimination on the grounds of sex, and prepares proposals on amendments to legislation.

48. New recruits to the Ministry of the Interior receive training on “Gender psychology”, “The foundations of gender theory”, “EU antidiscrimination law”, “Gender policy”, and “Tolerance and antidiscrimination in police work”. Public authorities conduct informational and educational activities related to “Combating violence”, “Strengthening the inter-agency system for preventing and combating gender-based violence and ensuring access to social services for victims of domestic violence”, “The practice of human rights organizations to prevent and address discrimination”, and “Ensuring the principle of gender equality and non-discrimination”. A distance learning course has been developed on “Legal aid to victims of domestic violence”.

Article 4

49. According to the Constitution of Ukraine, constitutional human and citizens’ rights and freedoms shall not be restricted, except in cases envisaged in the Constitution. Under conditions of martial law or a state of emergency, specific restrictions on rights and

freedoms may be established: this requires indication of the period for which these restrictions are in effect.

50. The following rights and freedoms shall not be restricted: the right to life (Article 27 of the Constitution and Article 6 of the ICCPR), the right to respect of dignity (Article 28 of the Constitution and Article 7 of the ICCPR), the right to freedom and personal inviolability, prohibition of torture (Article 29 of the Constitution and Articles 7, 8 (1) and 8 (2) of the ICCPR), the principle of non-retroactivity of criminal law (Article 58 of the Constitution and Article 15 of the ICCPR), the right to citizenship Article 25 of the Constitution and Article 16 of the ICCPR); and other rights and freedoms envisaged by Articles 24, 40, 47, 51, 52, 55, 56, 57, 59, 60, 61, 62 and 63 of the Constitution.

51. According to Law of Ukraine 1550 of 16 March 2000 “On the Legal Regime in Emergencies” a state of emergency is only imposed in the context of a real threat to the security of citizens or to the constitutional order, the ending of which is impossible in other ways. The Law provides for a clear list of measures, which can be taken when it is in force. In 2012 the list of measures was expanded to introduce forcible expropriation or seizure of property from individuals and legal entities. An emergency regime could be imposed for no longer than 30 days, and in certain regions no longer than 60 days. No state of emergency was introduced during the reporting period. This Law foresees a procedure for notifying ICCPR member states through the United Nations Secretary General of any restrictions on human rights and freedoms, which derogate from the obligations under this treaty.

52. On 20 February 2014, Russia launched an illegal operation that led to the occupation of Crimea and Sevastopol. Notwithstanding this, the sovereignty and territorial integrity of Ukraine within its internationally recognized borders was confirmed by United Nations General Assembly Resolution 68/262 “Territorial Integrity of Ukraine” of 27 March 2014.

53. In spring 2014, Russia initiated military aggression against Ukraine in the eastern part of the country. The Russian military and Russian-led terrorists occupied parts of Donetsk and Luhansk regions. As a result, Ukraine lost full and effective control over parts of this region.

54. In the light of the Russian armed aggression against Ukraine since April 2014, units of the Security Service of Ukraine, the Ministry of Interior and the Ukrainian Armed Forces have been conducting an anti-terrorist operation, which is an exercise of the inalienable right of Ukraine to individual self-defence against aggression under Article 51 of the United Nations Charter.

55. On 12 August 2014 the Parliament amended the Law of Ukraine “On the Fight against Terrorism” on the preventive detention of individuals involved in terrorist activities in the anti-terrorist operation area for a period exceeding 72 hours; the Criminal Procedural Code on a special regime of pre-trial investigation during military or emergency situations or in the anti-terrorist operation area. Law of Ukraine 1632 “On Administering Justice and Conducting Criminal Proceedings in Connection with the Anti-Terrorist Operation” was also adopted. The Law replaces the territorial jurisdiction of court cases to the courts outside the territory of the anti-terrorist operation. This Law was passed in connection with the impossibility of administering justice and conducting criminal proceedings due to damage to the premises where administrative bodies were located, the existence of a real threat to lives of citizens, law enforcement and judicial officials.

56. Law of Ukraine 141 of 3 February 03, 2015 “On Military and Civil Administrations” granted powers to military and civil administrations to restrict the stay in a certain period of time on the streets and other public places without specified documents; to prohibit or restrict the movement of vehicles and pedestrians; and to allow for verification of identity documents of individuals and, if necessary, of belongings, vehicles, luggage, housing and so on.

57. Given the entry into force of these Laws, on 21 May 2015 Parliament adopted a Resolution “On Derogation from Certain Obligations under the ICCPR and the Convention for the Protection of Human Rights and Fundamental Freedoms”. In accordance with ICCPR Article 4 Ukraine informed the United Nations Secretary General about this Resolution on 5 June 2015, noting that Russia, which actually occupies certain regions of

Ukraine, is fully responsible for respect of human rights and implementation of the relevant treaties in the annexed and temporarily occupied territory of the Autonomous Republic of Crimea, Sevastopol city, Luhansk and Donetsk regions. Ukraine defined that the term of derogation is the period until full termination of the Russian armed aggression and restoration of constitutional order. Ukraine informed the United Nations Secretary General on 24 November 2015, 6 July 2016 and 20 January 2017 about the security situation in Donetsk and Luhansk regions, and the scope and territorial application of Ukraine's derogation under the ICCPR obligations.

58. Ukraine derogated from its obligations under Article 2 (3) (right to an effective remedy), Article 9 (right to liberty and security of person), Article 12 (right to liberty of movement and freedom to choose his residence), Article 14 (right to fair trial) and Article 17 (right to protection against arbitrary or unlawful interference with private and family life) of the ICCPR.

59. The Government has established a Coordinating Commission to periodically review derogations from individual obligations. Its powers include reviewing the need for territorial application and proportionality of the derogation from obligations and making proposals to the Government on the continuation and scope of the derogation.

60. To implement provisions of Law of Ukraine 2268 of 18 January 2018 "On Peculiarities of the State Policy on Ensuring the State Sovereignty of Ukraine in the temporary occupied territories in Donetsk and Luhansk Regions", on 30 April 2018 the President of Ukraine brought into force a decision by the National Security and Defence Council of Ukraine to launch operation of United forces to provide national security and defence, rebuffing and deterring Russian aggression in Donetsk and Luhansk regions.

61. Ukraine is continuing to fulfil its positive obligations to ensure full protection of human rights in respect of persons residing in uncontrolled territories. These obligations include legal and diplomatic measures for reintegration and the peace-building process.

Article 5

62. Ukraine is a law-based state where an individual, and that individual's life and health, honour and dignity, inviolability and security are recognized as the highest social value. Human rights and freedoms, and guarantees thereof shall determine the essence and course of activities of the State. Human and citizen rights and freedoms affirmed by the Constitution shall not be exhaustive.

63. According to constitutional principle in Ukraine, the content and scope of existing rights and freedoms shall not be diminished when new laws are adopted or laws in force are amended. In Ukraine the principle of obligatory enforcement of international obligations is recognized and observed.

Article 6 (taking into account recommendations 10, 13–15 in CCPR/C/UKR/CO/7; Second Optional Protocol to the ICCPR)

64. Every person has the inalienable right to life as guaranteed by international obligations and the Constitution of Ukraine. According to Article 27 of the Constitution of Ukraine no one shall be arbitrarily deprived of life.

65. The Criminal Code does not provide for the death penalty. Life imprisonment as an ultimate sentence may be applied to persons committing particularly serious crimes.

66. Protocol 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms has been ratified. Under this Protocol death penalty shall be abolished. No one shall be condemned to such a penalty or executed.

67. Ukraine has acceded to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.

68. Ukraine is a Member State of the European Convention on Extradition. According to Article 11 of this Convention, extradition may be refused unless the requesting Party gives an assurance considered sufficient by the requested Party that the death penalty will not be carried out.

Article 7 (taking into account recommendation 10 in CCPR/C/UKR/CO/7 and 10, 15 in CCPR/C/121/4)

69. According to the Constitution of Ukraine, no one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment that assaults his dignity.

70. The Criminal Procedural Code explicitly defines the inadmissibility of a court accepting any evidence obtained as a result of material violations of human rights and freedoms, in particular as a result of torture, cruel, inhuman or degrading treatment.

71. Public officials who have committed torture are guilty of criminal offences under the Criminal Code Articles 127 “Torture” and 365 “Exceeding authority or official powers by law enforcement officials”. The draft law “On Amendments to Certain Legislative Acts on Harmonization of Criminal Legislation with the Provisions of International Law” was developed in order to bring the definition of torture (Article 127) into line with international standards.

72. The State Investigation Bureau is responsible for investigation of crimes committed by high public officials, judges, prosecutors and law enforcement officials. This authority will investigate allegations of tortures and ill treatment by police officers and other law enforcement officials. The senior management of the Bureau has been selected, and staff is being recruited for the central office and its territorial units. Draft law 6430 of 10 May 2017 aims to improve legal principles of its activity.

73. Law of Ukraine 2337 of 15 March 2018 “On the Disciplinary Statute of National Police of Ukraine” foresees that police officers shall be suspended from their duties if official investigations are being conducted into them.

74. The draft law “On Amendments to Certain Legislative Acts of Ukraine on Conducting Investigations to Enforce the Decisions of the ECtHR” foresees amendments to Article 49 of the Criminal Code, under which the period of limitation does not cover crimes indicating signs of torture according to Article 127 of the Criminal Code that have been determined by ECtHR decision.

75. Draft law 7023 of 10 August 2017 is intended to amend the Law of Ukraine “On the National Police” to bring it into line with human rights international standards. The draft law would consolidate the provisions of this Law concerning immediate summoning of medical professionals and written notification of the chief and public prosecutor in all cases of bodily injuries, wounds and death that occur as a result of coercive measures used by police officers.

76. Draft laws “On Ratification of the European Convention on the Compensation of Victims of Violent Crimes”, “On Compensation for Damage of Victims of Violent Crimes”, and “On Amending the Budget Code” have been developed. It is foreseen that a State Fund of Compensation for Damage to Victims of Violent Crimes will be established.

77. Under National Police Order 747 of 21 July 2017, police officers are prohibited from keeping within service rooms tools that could be used to cause bodily injuries to individuals detained, delivered and taken into custody.

78. Following visits to Ukraine in 2016 by the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a “Road Map” was developed to implement its recommendations. The “Road Map” contains measures to improve the mechanisms to investigate torture; establish inter-ministerial registers of detainees; enhance medical aid within penitentiary facilities; and improve the regime and material conditions within the penitentiary system as well as complaint mechanisms.

79. The Prosecutor General's Office launched Form 1 "Unified Report on Criminal Offences" for monthly administrative reporting. The Report presents information on the numbers of registered offences and results of their pre-trial investigation, particularly with regard to Article 127 "Torture" of the Criminal Code.

80. On the basis of allegations by citizens of torture and other cruel treatment by law-enforcement officials, 1530 criminal proceedings were initiated in 2014 and resulted in 37 indictments being sent to court concerning 60 officials; in 2015, 1,391 proceedings resulted in 28 indictments being sent to court concerning 43 officials; in 2016, 1,350 proceedings resulted in 47 indictments being sent to court concerning 95 officials; and in 2017, 1,230 proceedings resulted in 44 indictments being sent to the court concerning 75 officials; while in the first quarter of 2018, 195 proceedings resulted in 14 indictments being sent to court concerning 27 officials (16 police officers were brought to administrative accountability, and three of these were dismissed).

81. Sixty criminal proceedings were recorded under Article 127 "Torture" of the Criminal Code in 2017, and one proceeding in the first quarter of 2018. Including proceedings from previous years 35 indictments were sent to the court.

82. The National Police is conducting preventive measures to avoid torture and other cruel, inhuman or degrading treatment by the police. In 2017 there were 5,000 inspections of police stations, resulting in 965 officials being brought to disciplinary accountability, of whom 180 were dismissed.

83. The Government introduced the informational "Custody Records" subsystem, on which all of the detainees entering the temporary holding facility (THF) are registered. The system registers the time and circumstances of detention, all procedural actions, medical assistance and free legal aid provision. Currently, this IT system is being tested in 135 out of 150 THFs in Ukraine. In addition, all of the THF premises are equipped with video surveillance. Individual posts of human rights inspectors were introduced in four of the THFs.

84. Establishment of the State Institution "Health Care Centre of the State Criminal Enforcement Service of Ukraine" enabled the treatment of prisoners without any interference from the prison administration. Prisoners have a right to freely choose a doctor. Medical units at prisons and pre-trial centres are provided with necessary quantities of drugs and other medicinal supplies.

85. A total of 379 surveillance cameras have been installed in prisons since 2017, and 361 portable video recorders are also in use.

86. Twenty-four hour functioning of the free legal aid system, as well as the absence of any influence from law-enforcement agencies on the appointment of lawyers to detainees, facilitates the prevention and identification of cases of torture and ill treatment and the bringing of perpetrators to accountability. Lawyers should arrive immediately for the detained person (within an hour, or in exceptional cases within six hours, from when the order is issued).

87. Ministry of Justice Order 4125/5 of 21 December 2017 approved the Quality Standards for Providing Free Secondary Legal Assistance in Civil, Administrative and Criminal Processes. The lawyer must immediately take actions to ensure medical assistance is provided to the client, record bodily injuries, and initiate forensic analysis when there is suspicion of violence against a client. If relevant facts are confirmed the lawyer should prepare a protocol, notify a procedural head in paper form of such facts and file an application to an investigative judge under the procedure prescribed in Article 206 of the Criminal Procedural Code. Failure of a lawyer to fulfil these requirements leads to civil accountability.

88. Since 2014, a permanently functioning investigative group has been working to conduct pre-trial investigations as part of the criminal proceedings of the National Police that are intended to reveal and investigate torture and crimes connected with cruel and inhuman treatment in the area of resistance and deterrence of the Russian military aggression in Donetsk and Luhansk regions.

Article 8 (taking into account recommendation 16 in CCPR/C/UKR/CO/7)

89. Use of forced labour is prohibited in the Constitution of Ukraine.

90. Approved in 2016, the State Social Programme for Combating Trafficking in Human Beings for the period until 2020 envisages a comprehensive set of measures to prevent trafficking in human beings, protect the rights of victims and provide assistance to affected persons.

91. Material assistance for survivors of trafficking in human beings has increased to three minimum subsistence levels.

92. The following draft laws have been adopted in the first reading:

- “On Amending Certain Legislative Acts Concerning Strengthening the Fight Against Trafficking in Human Beings and the Protection of Victims” (6125 of 23 April 2017), which aims at improving the procedure for determining the status of a person who has suffered from human trafficking and expanding the network of institutions providing assistance to them;
- “On Amending Article 149 of the Criminal Code of Ukraine to Bring it into Line with International Standards” (6243 of 27 March 2017) that aims to improve the mechanism for combating human trafficking.

93. Draft laws 6275 of 31 March 2017 and 6275-d of 24 January 2018 envisage amendments to certain legislative acts to prevent trafficking in human beings, to eliminate conditions leading to human trafficking, and to enforce criminal responsibility for individuals providing services that do not meet legislative requirements to those seeking employment abroad.

94. The draft law “On Amending Certain Legislative Acts regarding Harmonization of the Criminal Legislation with Provisions of International Law” envisages strengthening criminal liability for committing human trafficking or slavery.

95. Large-scale informational campaigns to prevent human trafficking and increase public awareness of human trafficking have been carrying out every year. These campaigns have resulted in an increase in applications to determine the status of survivors of human trafficking.

96. Between 2012 and 2018, 542 individuals (536 Ukrainians and 6 foreigners) were officially recognized as victims of human trafficking. Of these, 221 were women, 267 men and 54 children. Three hundred of the individuals had suffered from labour exploitation, 131 from sexual exploitation, and 8 from combined exploitation; 10 children were sold; 1 individual suffered from surrogate motherhood; and 32 individuals were trapped in crime. The most common destination countries of human trafficking were Russia, Poland, Turkey, Czech Republic, Italy, Spain and Belarus.

97. A total of 146 criminal offences of human trafficking were identified in 2017, which is 140 per cent more than in 2016 (60 offences). In 2015, courts considered 30 criminal cases under Article 149 of the Criminal Code (trafficking in human beings and other illegal transfers of human beings), there were 33 criminal cases under this article in 2016 and 36 in 2017. Since 2015, courts have made 80 convictions under this article. In 2018, 163 criminal proceedings have been opened under Article 149 of the Criminal Code. In 53 of the cases, the individuals received a notification of suspicion and in 7 cases individuals were convicted.

98. A series of training events entitled “Combating human trafficking: interactive training for Ukrainian law enforcement officials” were carried out for law enforcement officials. Free Secondary Legal Aid Centres carried out information and awareness-raising campaigns on prevention of human trafficking and avoidance of illegal external labour migration.

Article 9 (taking into account recommendations 10, 15, 20 in CCPR/C/UKR/CO/7)

99. According to the Constitution of Ukraine, no one shall be arrested or taken into custody except under a substantiated court decision. In the event of an urgent necessity to prevent or stop a crime, bodies authorized by law may hold a person in custody as a temporary preventive measure, the reasonable grounds for which must be verified by court within 72 hours. All persons arrested or detained must be informed without delay of the reasons for their arrest or detention, apprised of their rights, and given the opportunity to personally defend themselves or to receive legal assistance from a defender. All persons detained have the right to challenge their detention in court at any time.

100. In accordance with the Criminal Procedural Code everyone is guaranteed the right to challenge procedural decisions, actions or inaction by a court, investigating judge, prosecutor or investigator.

101. The Criminal Code provides for accountability for knowingly unlawful apprehension, taking into custody, arrest or detention as well as for delivery of a knowingly unfair sentence, judgment, ruling or order by a judge.

102. The Law of Ukraine “On the Procedure of Compensation for Damage to Citizens Caused by Illegal Actions of Bodies of Inquiry, Pre-Trial Investigation, Public Prosecution and Court” established a damage compensation procedure. According to the Civil Procedural Code such damage must be compensated in a full amount by the State regardless of the guilt of the public servants.

103. The new Criminal Procedural Code adopted in 2012 updated procedural rules for detention, investigations and criminal trial. The Code extended judicial control at the pre-trial stage, limited the use of pre-trial detention, extended the list of alternative preventive measures (bail, house arrest and custody), shortened the length of judicial proceedings, and introduced specific criminal proceedings with regard to juveniles.

104. Twenty-seven regional free legal aid centres provide assistance in criminal cases in Ukraine. A total of 528 local centres and bureaus provide free legal aid in administrative and civil cases.

Article 10 (taking into account recommendations 10, 15, 20 in CCPR/C/UKR/CO/7)

105. In order to adapt the legal status of prisoners to international standards, between 2014 and 2016 the Criminal Executive Code was significantly amended. In particular convicts were given the right to correspond and have telephone calls with individuals who live outside the prisons more frequently; use the internet; and purchase food, clothes and other personal items by cashless settlement without any restrictions. In addition, visit entitlements were extended. Convicts may be engaged in labour taking into account their sex, age, state of health and working capacity.

106. According to Law of Ukraine 3674 of 8 July 2011 “On Court Fees”, prisoners are exempted from paying court fees during judicial proceedings.

107. The Law of Ukraine “On Preliminary Detention” and the Criminal Executive Code prohibit use of physical coercion, special items, and firearms against persons with disabilities. Placing persons with severe disabilities (disabilities of the first group) in disciplinary isolators, solitary confinement or cell-type accommodation is banned. Sentenced prisoners and remand prisoners must be kept separately.

108. Juvenile remand prisoners are kept in specially designed cells dedicated to holding such persons. Juveniles` daily walks, and social and educational activities, must be conducted separately from adult prisoners. Prisoners over 22 years must not be kept in juvenile prisons.

109. In 2016, Ukraine changed the rules for applying physical restrictions or isolating persons with mental health disabilities. The duration of the physical restriction must not

exceed four hours, while isolation must not exceed eight hours. Every two hours a doctor must evaluate changes in the physical and psychological state of the patient. Restriction measures can only be prolonged by the decision of a psychiatric commission.

110. Draft law 7337 of 24 November 2017 “On the Penitentiary System” defines resocialization and reintegration of prisoners into society as fundamental goals of the penitentiary system. The draft law provides for possibilities to commute a sentence of life imprisonment to a sentence of deprivation of liberty for a term of 15 years. Access to pre-trial detention centres and prisons by representatives of the ICRC and civil society, with opportunities to use photo and video devices to document evidence of ill treatment or inappropriate detention conditions, are also envisaged in the draft.

111. Another law to amend the Criminal Executive Code has been drafted. This would entitle prisoners to make telephone calls to the state authorities free of charge and in confidentiality.

112. A total of 150 police THF are in operation in Ukraine (there were 380 THFs in 2015). Those THFs that lacked minimal standards of detention were closed. THFs are situated in separate premises and at the police stations, and they are equipped with centralized water supply and central heating. The cells have access to daylight, are equipped with individual sleeping places and have toilets with running water. Detainees are provided with bedding, three hot meals a day, a shower and a walk outdoors. There are also rooms for visits and investigatory actions.

113. Healthcare professionals from the general health care system perform compulsory medical examinations of detainees before they are placed into the THF to detect injuries or other diseases. If required, detainees are hospitalized and treated.

114. Prosecution authorities conduct investigations into deaths of individuals who had been held in THFs.

115. Ukraine has demilitarized its penitentiary service. As the total prison population has fallen significantly, it is planned to mothball 15 prisons and improve the conditions of detention in 133 prisons. It is planned to construct pre-trial detention centres in Kyiv, Khmelnytskyi and Odesa financed by public-private partnerships.

116. It is planned to delegate powers to conduct searches of living spaces, production areas, personal belongings of prisoners as well as to ensure law and order within prisons from the paramilitary units of the State Criminal Enforcement Service to the prisons.

117. The Ministry of Justice, in cooperation with the Council of Europe experts, has developed the first pilot standards for prison management: a model of internal prison inspections that meet international standards for protection of the right to life, detention conditions and treatment of individuals within penitentiary institutions.

118. An effective National Preventive Mechanism (NPM) was established in 2012 using the model “Ombudsman-Plus”. The Office of the Ombudsman provides technical and organizational support to independent monitors. The NPM carries out scheduled and unscheduled monitoring visits to places of deprivation of liberty. Scheduled visits are conducted according to an annual plan, while unscheduled visits are carried out to verify specific information about possible violations of human rights, particularly allegations of torture and ill treatment. The NPM analyses compliance with human rights in places of deprivation of liberty and submits its reports to the Ombudsman for consideration.

119. A draft law amending Article 191 of the Law of Ukraine “On the Parliamentary Commissioner for Human Rights” has been developed that envisages compulsory execution of all the recommendations of the Ombudsman, introduction of disciplinary and administrative accountability for their non-execution, and the opportunity to use photo and video recording during NPM monitoring visits.

120. Between 2012 and 2018 1,363 monitoring visits were conducted with NPM assistance.

Article 11

121. Under Ukrainian legislation, non-compliance with contract obligations may not be a ground for custody. Under Article 611 of the Civil Procedural Code, in cases in which obligations are violated, the legal consequences determined by the contract or the law shall come to effect: specifically, termination of the obligation due to unilateral repudiation of obligations, if it is stipulated by the contract or the law, or cancellation of the agreement; change of the obligation's conditions; payment of a forfeit; or reimbursement for losses and moral damages.

Article 12

122. According to the Constitution of Ukraine every person legally staying in the territory of Ukraine shall be guaranteed freedom of movement and travel, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions stipulated by law. A citizen of Ukraine may not be deprived of the right to return to Ukraine at any time.

123. According to Law of Ukraine 1207 of 15 April 2014 "On Ensuring the Rights and Freedoms and Legal Regime on the Temporarily Occupied Territory of Ukraine", citizens of Ukraine have the right to enter and exit the temporarily occupied territory through exit/entry check points on the presentation of documents identifying the individual and confirming Ukrainian citizenship. Entry to and exit through the temporarily occupied territory for foreigners and stateless persons through the exit/entry checkpoints is allowed by special permission.

124. Article 3321 of the Criminal Code provides for criminal liability for violating the procedure for entry to the temporarily occupied territory of Ukraine and exit from it with the intention to inflict damage to state interests.

125. Article 2042 of the Administrative Offences Code provides for administrative accountability for violations of the procedure for entry to and exit from the temporarily occupied territory. Such violations, in particular, include visits to these territories that do not take place through functioning checkpoints located on the mainland of Ukraine, without corresponding documents, or with falsified information about a person, or without the permission of the relevant authorities. Article 2044 of the Administrative Offences Code provides for administrative responsibility for violations of the procedure for entry and exit from the anti-terrorist operation area.

126. Law of Ukraine 2268 of 18 January 2018 "On Particular Aspects of Public Policy Aimed at Safeguarding the Sovereignty of Ukraine over the Temporarily Occupied Territories of the Donetsk and Luhansk Regions of Ukraine" stipulates that in cases of real threat to the life and health of individuals entry to the temporarily occupied territory in Donetsk and Luhansk regions may be restricted.

Article 13 (taking into account recommendations 18–20 in CCPR/C/UKR/CO/7)

127. Under Law of Ukraine 3671 of 8 July 2011 "On Refugees and Persons in Need of Complementary or Temporary Protection", persons recognized as refugees or in need of complementary protection have the same rights and obligations as citizens of Ukraine, except in cases stipulated in law. Such persons are not responsible for illegal crossing of the state border of Ukraine if an application for recognition of refugee status or the status of a person in need of complementary protection is completed without delay. A decision to reject the said application is made in cases of obvious groundlessness or if abuses occur (for example, in cases of identifying as another person). The decision may be appealed in court within five working days. In such cases, the head of the relevant state body can extend the term for decision-making to up to three months. If a foreigner or stateless person is illegally staying in Ukraine or violates the legislation, administrative and legal actions such as

voluntary or forced return, forced expulsion, or transfer of the person to be readmitted can be taken against him.

128. The Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” prohibits the collective forced expulsion of foreigners and stateless persons. In addition, these persons cannot be forcibly returned or expelled, transferred to countries where their lives will be threatened with discrimination, death penalty, inhumane treatment or so on.

129. The Criminal Procedural Code prohibits the extradition of a person granted temporary protection, with refugee status or in need of complementary protection, or a person who has filed an application for one of these statuses to be granted or has exercised the right to appeal the decision to refuse to provide them. The procedure for extradition or forced expulsion is suspended for persons who are subject to the procedure for gaining refugee status or in need of complementary protection.

130. Law of Ukraine 1379 of 19 May 2016 amended the Code of Administrative Court Procedure regarding the introduction of alternatives to detention for foreigners and stateless persons. According to this Code, the administrative court may decide to accept bail for the person; to oblige a foreigner or stateless person to post bail; or to detain the person in a temporary holding station where illegally staying foreigners and stateless persons are held.

131. Persons falling within the scope of the Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection” are entitled to free secondary legal aid (protection, representation the interests before courts, other state bodies, bodies of local self-government, other persons, drawing of procedural documents). Centres providing free secondary legal aid call upon interpreters (sign language interpreters) for those persons who do not speak the state language and/or are deaf and/or unable to speak. Local centres have received 719 written requests from such persons since the system for providing free legal aid began operating.

Article 14 (taking into account recommendations 15, 17 in CCPR/C/UKR/CO/7 and 17 in CCPR/C/121/4)

132. The Constitution of Ukraine and Law of Ukraine 1402 of 2 June 2016 “On the Judiciary and Status of Judges” establishes that everyone shall be guaranteed the right to protection of their rights, freedoms and legitimate interests by an independent and impartial court established under law.

133. Under the Constitution of Ukraine and the Criminal Code a person is deemed innocent of a crime and may not be criminally punished until that person’s guilt is legally proven and found by a court judgment.

134. The Criminal Procedural Code states that tasks of criminal proceeding are to insure quick, comprehensive and impartial investigation and trial so that everyone who has committed a criminal offence is prosecuted in proportion to that person’s guilt, no one innocent is accused or convicted, and subjected to ungrounded procedural compulsion; as well as each party to criminal proceedings is applied to an appropriate legal procedure.

135. The Criminal Procedural Code establishes the general principles of the criminal proceeding, in particular, the rule of law, legitimacy, equality before law and court, publicity and openness of judicial proceeding and its full recording using technical means, presumption of innocence and conclusive proof of guilt.

136. In courts of all instances, criminal proceedings are conducted publicly. The court may take a decision to conduct criminal proceedings in a closed hearing if the defendant is a minor; if the case concerns a criminal offence against sexual freedom or security of a person; to prevent disclosure of confidential information protected by the State or information concerning individuals’ private and family life; or to ensure the security of the parties to the criminal proceeding.

137. Under the Criminal Procedural Code, accused and suspected persons are entitled to use their native languages; obtain copies of procedural documents in their native languages; obtain legal aid at the expense of the State; demand that the validity of the detention be

verified; and remain silent to avoid self-incrimination. An accused or suspected person has the right to participate in the examination of witnesses during a trial for the prosecution or to request that they should be examined, as well as to request that witnesses for the defence be summoned and examined under the same conditions as witnesses for the prosecution.

138. The Criminal Procedural Code states that everyone shall be guaranteed the right to challenge procedural decisions, actions or inactions of a court, investigator or public prosecutor.

139. Accused or suspected persons have the right to demand damages for injuries caused by illegal decisions, actions or inactivity by an agency conducting operative and investigative activities, pre-trial investigation, a public prosecutor's office or a court according to the procedure set forth in law; and to have their reputations restored if the suspicion or accusation is not confirmed.

140. The Criminal Procedural Code states that no one may be prosecuted twice for the same offence.

141. Law of Ukraine 192 of 12 February 2015 "On Ensuring the Right to a Fair Trial" introduced a mechanism to assess the professional knowledge and verify the integrity of judges; defined clear grounds for the disciplinary liability of judges; expanded the types of disciplinary penalties; strengthened the independence of judges; increased the effectiveness of judicial proceedings; ensured the activities of the High Council of Justice; and enhanced the role of the Supreme Court in ensuring unity of judicial practice.

142. The Strategy on the Reform of the Judiciary and Related Legal Institutions towards 2020 was approved in 2015. Its purpose is to improve the access of Ukrainian citizens to justice by strengthening the independence and professional competence of the judiciary, combating corruption, and simplifying the judiciary and judicial procedures.

143. In the framework of implementation of the Strategy, Law 1401 of 2 June 2016 amended the Constitution of Ukraine. Law 1402 of 2 June 2016 "On the Judiciary and the Status of Judges" and Law 1798 of 21 December 2016 "On the High Council of Justice" were adopted accordingly. The procedure for selecting and appointing judges was changed, with the authority of the President of Ukraine for their appointment becoming exclusively ceremonial; a procedure introduced for judges to take positions for an indefinite period; and a High Council of Justice created as an independent constitutional public authority, which makes a statement about appointing a judge to a post and conducts disciplinary proceedings against judges. The Venice Commission assessed these amendments positively.

144. The legislative amendments adopted introduced a qualification assessment of judges, with a special emphasis on the importance of anti-corruption verification of incomes and property. Appointments to positions in the new judicial system are made on the basis of transparent and objective competitions conducted by the independent High Qualification Commission of Judges, established according to Council of Europe standards for judicial self-governance.

145. A new Supreme Court was created in 2017. The selection was open, consisting of a compulsory qualification assessment. Civil society directly participated in the process through the Public Council of Integrity, which has the right to express negative opinions about the candidates.

146. More than 1,680 judges voluntarily withdrew from their positions after the introduction of the new anti-corruption legislation and the public procedure for qualification assessment of judges.

147. Law of Ukraine 2136 of 13 July 2017 "On the Constitutional Court of Ukraine" defines at the legislative level conditions for exercise of the right to constitutional complaints as an additional national legal means of legal protection of human rights if a person considers that the final judgment in a case affecting that person is unconstitutional.

148. Law of Ukraine 1697 of 14 October 2014 "On the Public Prosecutor's Office" secures guarantees against any influence on a public prosecutor in connection with that prosecutor's decision making when performing official duties; makes inadmissible illegal interference of the Public Prosecutor's Office in the functioning of the legislative, executive,

and judicial authorities; and prohibits public expression of doubts regarding the justice of court decisions beyond their appeal procedures.

149. Under Law 1401 of 2 June 2016, the powers of the Prosecutor's Office are limited to maintaining public prosecution in court; organization and procedural guidance for pre-trial investigation, supervision of confidential and other investigative actions of law enforcement authorities.

150. Law of Ukraine 746 of 21 February 2014 amended Article 365 of the Criminal Code and increased the responsibility of law enforcement officials for exceeding official authorities. Any deliberate actions by law enforcement officials that seriously damage the rights of citizens who are legal entities are punishable by imprisonment for a term of up to five years. Actions that were accompanied by violence, the use of weapons, or insulting personal dignity in the absence of signs of torture, is punishable by imprisonment for a term of 3 to 8 years; and actions that caused grave consequences for a period of 7 to 10 years. The accused may be deprived of the right to occupy certain positions for a term of up to 3 years.

Article 15

151. According to the Criminal Code, a law on criminal liability comes into force 10 days after its official promulgation, unless otherwise provided by the law itself but not earlier than the date of its publication. Criminality, guilt and other criminal consequences are determined by the law on criminal liability that was in force at the time of the commission of this act.

152. The Criminal Code stipulates that a law on criminal liability that abolishes the criminal nature of the activity or lessens criminal liability has a retroactive effect: that is, it applies to persons who committed the relevant actions prior to the entry into force of the law including those who had served or are still serving sentences but have criminal records. A law increasing criminal liability has no retroactive effect. A law that lessens criminal liability has a retroactive effect. A law that at the same time partially lightens and partially increases criminal liability shall be retroactive in effect only for those parts that lighten it. If such a law has been changed several times, the retroactive in effect is that which abolishes the crime, lessens criminal liability or otherwise improves the position of the person.

Article 16

153. According to the Criminal Code, all private persons are able to have civil rights and obligations. A private person has legal capacity from the moment of birth. The interests of a child that has been conceived but is not yet born is also protected. The capacity to have civil rights and obligations may be connected to a private person's coming of the appropriate age. A private person's legal capacity shall be terminated at the moment of that person's death. Agreements limiting the private person's ability to have civil rights and obligations that are not prohibited by the legislation are null and void.

154. According to the Criminal Code, civil capacity is acquired with the attainment of a person's majority, namely at age 18. Full civil capacity may be acquired by persons under this age, for example if a marriage of a natural person is registered under this age, that persons acquires full legal capacity from the moment of registration of marriage.

Article 17

155. According to the Constitution of Ukraine an individual – and that individual's life and health, honour and dignity, inviolability and security – shall be recognized in Ukraine as the highest social value. Everyone shall be guaranteed inviolability of domicile. Intrusion into a person's domicile or other property, inspection or search thereof, shall not be permitted except under a substantiated court decision. Everyone shall be guaranteed privacy of correspondence, telephone conversations, telegraph, and other communications.

Exceptions shall only be established by court in cases stipulated by law for the purposes of preventing crime or ascertaining the truth during the investigation of a criminal case, if it is not possible to obtain information by other means.

156. The Constitution states that all persons shall be guaranteed judicial protection of the right to controvert non-authentic information about themselves or members of their families, the right to demand the expunging of any type of information, and the right to receive compensation for material and moral damages caused by the collection, storage, use, and dissemination of such non-authentic information.

Article 18 (taking into account recommendation 19 in CCPR/C/UKR/CO/7)

157. Under the Constitution of Ukraine:

- Everyone has the right to freedom of beliefs and religion. This right includes the freedom to profess any religion or profess no religion, to freely practice religious rites and ceremonial rituals, and to pursue religious activities. Exercise of this right may be restricted by law only in the interests of protection of public order, health and the morality of the population, or protection of the rights and freedoms of other persons;
- The Church and religious organizations in Ukraine are separated from the State, and school is separated from the Church. No religion is recognized by the State as mandatory;
- No one is exempt from duties to the State or refusal to abide by laws on religious grounds. If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty is replaced by alternative (non-military) service.

158. Law of Ukraine 987 of 23 April 1991 “On Freedom of Conscience and Religious Organizations” does not allow any compulsion when determining a citizen’s attitude to religion, refusal to confess religion, participation in worship and religious ceremonies. Parents or persons substituting them have, by mutual agreement, the right to bring up their children according to their own beliefs and attitudes towards religion. Any restriction of rights, provision of benefits to citizens contingent on their attitude to religion, as well as incitement of related hostility entails responsibility under law.

159. The provisions of Article 21 (5) of the Law of Ukraine “On freedom of conscience and religious organizations” regarding receiving prior permission to conduct public worship was declared unconstitutional by a decision of the Constitutional Court of Ukraine on 8 June 2016.

160. Draft law 6646 of 26 June 2017 “On Amendments to the Law of Ukraine “On alternative (non-military) service” is intended to determine the procedure for citizens’ participation in alternative service during the mobilization and recruitment of Ukrainian citizens for regular military service in a special period, and terms of alternative service in appropriate cases. The number of people performing alternative service is increasing. In 2017, 436 persons undertook alternative service, compared to 388 in 2015.

Article 19 (taking into account recommendation 20 in CCPR/C/UKR/CO/7)

161. Under the Constitution of Ukraine, persons are guaranteed the right to freedom of thought and speech, as well as to free expression of their views and beliefs. Everyone is entitled to freely collect, store, use and disseminate information in any way. The exercise of such rights may be restricted by law in the interests of national security, territorial integrity, or public order, for the purposes of preventing disturbances or crimes, protecting the health of the population, protecting the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

162. Law of Ukraine 1227 of 17 April 2014 established state-owned public television and radio broadcasting in Ukraine. The principles of its activities are as follows: providing comprehensive and objective information on socially significant events in Ukraine and abroad; adhering to the norms of public morality, Ukrainian traditions and culture; free expression of views, thoughts and beliefs; public participation in management and creation of programme policy; prohibition of discrimination on any grounds; and transparency and openness of activities.

163. Law of Ukraine 421 of 14 May 2015 “On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Guarantees of Legal Professional Activities of Journalists” established criminal liability for impeding the professional activity of journalists; threats or violence against a journalist; deliberate destruction or damage of a journalist’s property; attempts on journalists’ lives; and holding journalist hostage.

164. Since 2016, the Council for the Protection of the Professional Activities of Journalists and Freedom of Speech has been analysing legislation in a specific area and monitoring the situation regarding violations of journalists’ rights and freedoms.

165. In 2017, pre-trial investigations were initiated in 255 criminal proceedings in the area of the professional activity of journalists under several articles of the Criminal Code. A total of 192 criminal proceedings were initiated under Article 171 (interference with the legal professional activities of journalists), 54 criminal proceedings under Article 3451 (threat or violence against the journalist), 8 criminal proceedings under Article 3471 (deliberate damage or destruction of the journalist’s property) and 1 criminal proceeding under Article 3481 (attempts on the journalist’s life). Indictments for 17 criminal offences in this category were sent to the Court.

166. Law of Ukraine 674 of 3 September 2015 “On Amendments to Certain Laws of Ukraine on Ensuring the Transparency of Mass Media Ownership and Implementing the Principles of State Policy in the Sphere of Television and Radio Broadcasting” obliged the subjects of information activity to disclose information on the final beneficial owners.

167. In 2016 the Criminal Code was amended to increase responsibility for violations of privacy of correspondence, telephone conversations and other correspondence transmitted through means of communication or computers, as well as for obstruction of the legitimate professional activities of journalists.

Article 20

168. Under the Constitution of Ukraine, foundation and activities of political parties and public associations is prohibited if their programme goals or actions are aimed at propaganda of war or violence, fomentation of inter-ethnic, racial, or religious enmity, or infringement of human rights and freedoms or the health of the population.

169. The Criminal Code provides for responsibility for public incitement to an aggressive war, unleashing a military conflict, genocide, and production and distribution of such materials.

170. Law of Ukraine 317 of 9 April 2015 “On the Condemnation of the Communist and National Socialist (Nazi) Regimes in Ukraine, and Prohibition of Propaganda of their Symbols” criminalizes production and dissemination of products containing the symbols of the communist and national socialist (Nazi) totalitarian regimes.

171. Under this article of the ICCPR and Article 19 (3) of the ICCPR, Ukraine introduced a procedure forbidding television channels, films and printed materials that pose a threat to the country’s independence, sovereignty or territorial integrity; spread war propaganda; and justify occupation of parts of Ukraine’s territory. In order to protect the national media landscape and counteract the aggression of Russia, a limitation on broadcasting of 80 foreign programmes was introduced for 2014–2018. At the same time, the list of foreign programmes that comply with the requirements of the European Convention on Transfrontier Television and Ukrainian legislation was extended by 62 programmes and in the first quarter of 2018 amounts to 175 programmes.

Article 21 (taking into account recommendation in 21 CCPR/C/UKR/CO/7)

172. Under the Constitution of Ukraine, citizens have the right to assemble peacefully without arms and to hold rallies, meetings, processions and demonstrations upon notifying executive or local self-government bodies in advance. Restrictions on the exercise of this right may be established by a court in accordance with law and only in the interests of national security and public order, for the purpose of prevention of disturbances or crimes, protection of the health of the population, or protection of the rights and freedoms of other persons. On 15 December 2017, amendments to the Code of Administrative Court Procedure of Ukraine entered into force that established new rules for review of cases concerning the restriction of the right to freedom of peaceful assembly by the court. The procedural capacity of the Government to restrict the realization of citizens' right to peaceful assembly has been significantly narrowed.

173. The National Police maintains public order during all public events, including demonstrations, meetings and protests.

174. Two alternative draft laws on the right to peaceful assembly (3587 of 7 December 2015 and 3587-1 of 11 December 2015) propose to define the rights and responsibilities of the organizers and participants of peaceful gatherings, and the powers and responsibilities of public and local government authorities, to establish clear grounds for limiting the freedom of peaceful assembly, and to regulate monitoring and mediation procedures during peaceful gatherings.

175. Draft laws of 25 November 2016 (5455 and 5456) would introduce amendments to the Laws of Ukraine "On the National Police" and "On the National Guard", in particular to clearly define the powers of the staff of these bodies with relation to the right to peaceful assembly, and to establish responsibility for illegal interference with freedom of peaceful gatherings and for criminal inaction.

176. The Ministry of the Interior has developed a Concept for introduction of the Scandinavian model for the maintenance of public safety and public order in the activity of national police authorities and units of Ukraine during mass events, which is intended to avoid injuries to participants at mass gatherings and law enforcement officers.

177. Working groups of police officers on communication with the organizers and participants of mass events are operating. There are 375 police negotiators.

Article 22

178. Under the Constitution of Ukraine, citizens have the right to participate in trade unions to protect their labour and socio-economic rights and interests. Trade unions can be formed without prior permission on the basis of the free choice of their members. All trade unions have equal rights. No one can be forced to join any association of citizens.

179. Law of Ukraine 1045 of 15 September 1999 "On Trade Unions, their Rights and Activity Guarantees" stipulates that affiliation or non-affiliation with trade unions does not entail any restrictions to labour, socio-economic, political, personal rights and freedoms of citizens, guaranteed by law. Any restriction to rights or giving of preferences regarding the conclusion, changing or termination of an employment contract as a result of affiliation or non-affiliation with trade unions is prohibited.

180. According to Law of Ukraine 5026 of 22 June 2012 "On Employers' Organizations, their Associations, Rights, and Guarantees of their Activities" employers have the right to unite in organizations for the purpose of representation and protection of their rights and legitimate interests in the economic, social, labour and other fields, including in their relations with other parties to the social dialogue.

181. According to Law of Ukraine 1934 of 6 December 1991 "On the Armed Forces of Ukraine" military service personnel cease their membership of trade unions for the period of military service.

182. The number of trade unions is increasing, and in 2018 stands at 342 (at the beginning of 2017 there were 160).

Article 23

183. Under the Constitution of Ukraine, marriage is based on free consent between a woman and a man. Each of the spouses has equal rights and duties in the marriage and family. Parents are obliged to sustain their children until they reach the age of maturity. The family, childhood, motherhood and fatherhood are protected by the state.

184. According to the Family Code, the purpose of family relations is to strengthen the family as a social institution and as a union between individuals; to establish a sense of duty towards parents, children and other family members; and to build family relationships on principles of parity, and on feelings of mutual love and respect, mutual help and support.

185. According to the Family Code, a person who has reached the marriageable age (18 years) has the right to create a family. A person, regardless of age, who has given birth to a child, can create a family. At the request of a person who has reached 16 years of age, a court may grant that person the right to marry if it is established that it is in the individual's best interests.

186. The mother and father have equal rights and responsibilities with regard to a child, regardless of whether they were married to each other. Parents' divorce or living separately from a child do not affect the extent of their rights and do not exempt them from the duties towards the child.

187. The Family Code establishes the right to property of a woman and a man living as a family but not married to each other or in any other marriage.

188. A pilot project is being implemented on state registration of marriage, which enables a wife and husband to register a marriage at a time and place of their choice. The pilot project is being implemented in 58 population centres, and over 27,000 couples have already taken advantage of this service.

Article 24

189. According to the Constitution of Ukraine, childhood is protected by the State. Children are equal in their rights regardless of their origin and whether they are born in or out of wedlock. Any violence against a child or exploitation of a child is prohibited. The subsistence and upbringing of orphans and children deprived of parental care are entrusted to the State. The State encourages and support charitable activity in regard to children.

190. According to the Family Code, parents should register a birth in a state civil registry office immediately, but no later than one month after the child's birth. Failure to fulfil this obligation can incur a statutory responsibility. If it is impossible to register a birth because of death of the parents or other reasons, registration takes place on the application of relatives or other persons.

191. According to Ukrainian legislation, birth certificates are granted to all newborns. The right of a person to state registration is guaranteed irrespective of the legal status of the child's parents, or their ethnic or social belonging. The functioning of state birth registry authorities was simplified.

192. Since 2016, state registration of birth is available not only at the state registry offices, but also directly in hospitals and maternity wards within 24 hours and is free of charge. Introduction of this approach was one of the incentives for mandatory state registration of birth.

193. Law of Ukraine 1474 of 14 July 2016 amended the Law "On the Unified State Demographic Registry and Documents Affirming the Citizenship of Ukraine, Identifying a Person or his Special Status". In particular, the age of eligibility to receive a Ukrainian passport was reduced to 14 years.

194. The National Action Plan for Implementation of the United Nations Convention on the Rights of the Child until 2021 is based on the aim of creating favourable conditions for the life of the child and the child's development, the provision of equal opportunities for all children, strengthening the institute of family, shaping responsible parenthood, protecting children from violence, and creating a justice system friendly to children.

195. The National Strategy for Reforming the Institutional Care and Upbringing of Children for 2017–2026 envisages further reform to the institutional care system and the upbringing of children; development of a support system for raising children in the family; and the provision of quality alternative care for children left without parental care.

196. The child's right to proper maintenance has been strengthened by improvements to the procedure for recovering alimony (Laws 2037 of 15 May 2017 and 2234 of 7 December 2017). The liability for alimony defaulters is reinforced: options to temporarily limit the rights of debtors shall include temporary limitations on driving, travelling abroad and use of firearms; and a new type of administrative penalty taking the form of community service has been introduced.

197. In 2017 the Law of Ukraine "On Rehabilitation and Recreation of Children" was amended to extend the categories of children who are eligible for state-funded rehabilitation. These categories include, among others, children registered as internally displaced and children living in towns and villages located on the "contact line".

198. Since 2018, the Law of Ukraine "On the Peculiarities of the State Policy for Ensuring Ukraine's State Sovereignty over the Temporarily Occupied Territories in Donetsk and Luhansk Regions" provides that documents confirming the birth or death of a person in the temporarily occupied territory in Donetsk and Luhansk regions, which are filed together with an application for state registration of a birth or death, are recognized as valid.

199. Law of Ukraine 2292 of 8 February 2018 stipulates criminal liability for inducement to and assistance with committing suicide, including via the internet and social networks. In order to counteract bullying and discrimination and to ensure the safety of children, a permanent operational group of cyber-police officers was created in the information networks with round-the-clock duty in each region. Over 1,000 online "death groups" have been blocked.

200. A Law of Ukraine of 14 March 2018 provides for amendments to the Criminal Code of Ukraine criminalizing sexual abuse and exploitation of a person under 16 by an adult.

201. In 2017, a multilateral Memorandum of Understanding to support the implementation of an initiative on co-operation in the field of children's rights protection, including on child safety in the information space, was concluded with the United Nations Children's Fund (UNICEF).

202. The draft law of Ukraine 6558 of 15 June 2017 "On Amendments to Several Legislative Acts of Ukraine in Connection with the Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" proposes to criminalize the sexual exploitation of children. Amendments to the Criminal Procedural Code are envisaged to determine the procedural specifics of proceedings in cases involving child witnesses and child victims of sexual offences. Amendments have been drafted to the Law of Ukraine "On the Protection of Childhood" to prevent the commission of illegal actions against children by persons who are in regular contact with them.

203. Draft law 6150 of 28 February 2017 proposes the state registration of a child's birth by any civil registry office regardless of the child's place of birth, or the place of residence of the child or parents.

204. In February 2016, the legal concept of "children affected by armed conflict and hostilities" was changed. Educational and training events are being conducted in the armed forces, with the involvement of human rights NGOs, to ensure the rights of children and young people during the conflict.

205. As of the first quarter of 2018, about 232,000 internally displaced children and more than 2,000 children of soldiers who had died in military action in eastern Ukraine were registered. More than 6,000 children received comprehensive care and rehabilitation. Sixty-three criminal proceedings were initiated for crimes committed against children who had suffered as a result of military actions in the temporarily occupied territory of Crimea, Donetsk and Luhansk regions.

206. Orphaned children, children deprived of parental care or those experiencing difficult living conditions or affected by armed conflict have the right to free secondary legal aid. Since the launching of the free legal aid system, 967 such children have received free secondary legal aid.

Article 25 (taking into account recommendation 11 in CCPR/C/UKR/CO/7)

207. Under the Constitution of Ukraine, citizens have the right to participate in the administration of state affairs and referendums, and to freely elect and be elected to the state bodies and local self-government. Citizens enjoy equal rights of access to the civil service and to local self-government services.

208. Participation in the administration of state affairs and in the decision-making process is regulated by the Cabinet of Ministers Decree 996 of 3 March 2010 “On Ensuring Public Participation in the Creation and Implementation of State Policy”, under which forms of such participation include public discussions of regulatory acts, public consultations, electronic consultations and public opinion surveys.

209. According to Law of Ukraine 2365 of 5 April 2001 “On the Political Parties in Ukraine”, no one can be forced to join a political party or restricted in voluntarily withdrawing from a political party. Membership or non-membership of a political party cannot be a ground for restricting rights and freedoms or granting any privileges. Only a citizen of Ukraine who has the right to vote in elections can be a member of a political party. The Law also includes a list of officials – in particular, judges, prosecutors, servicemen, police, and civil servants – who cannot be members of political parties.

210. According to Law of Ukraine 4572 of 22 March 2012 “On Public Associations”, no one can be forced to join a public association, and membership or non-membership to it cannot be a ground for restricting rights and freedoms or granting any privileges.

211. The National Strategy for Promoting Civil Society Development in Ukraine for the Period of 2016–2020 aims at facilitating the creation and institutional development of civil society organizations; and effective collaboration between public authorities and all types of civil society organizations, public initiatives and self-organizations on the basis of partnership, political impartiality and non-discrimination.

212. Law of Ukraine 889 of 10 December 2015 “On the civil service” stipulates that the civil service operates in compliance with the principle of ensuring equal access to the civil service. All forms and manifestations of discrimination, unreasonable restrictions or unjustified advantages for certain categories of citizens when entering the civil service are prohibited. Entry into the civil service depends on a competitive selection process.

213. Electoral legislation is being improved. The draft Election Code (3112-1 of 2 October 2015) is being considered for a second reading. The draft Code proposes the election of Members of the Parliament and city and regional council representatives on the principle of proportional representation, and of deputies of the village and town councils according to a simple majority system.

214. Draft law 6240 of 19 April 2016 provides for the possibility of changing the electoral address of an internally displaced person if that person makes a grounded request.

Article 26 (taking into account recommendations in 8–12 CCPR/C/UKR/CO/7)

215. According to the Constitution of Ukraine, all people shall be free and equal in their dignity and rights. There shall be no privileges or restrictions based on race; skin colour; political, religious, or other beliefs; gender; ethnic or social origin; property status; place of residence; linguistic or other characteristics.

216. In order to ensure rights and meet the needs of persons with disabilities and to improve their quality of life, the National Action Plan for Implementation of the Convention on the Rights of Persons with Disabilities for the Period up to 2020 is being implemented. The Government has appointed the Commissioner for the Rights of Persons with Disabilities who monitors the situation and submits proposals to the President concerning the special needs of persons with disabilities.

217. Law “On Education” of 5 September 2017 guarantees proper conditions for access to education for people with special education needs.

218. Major structural repairs are not permitted without taking into account of conditions for people with disabilities.

219. In March 2017, the draft law on Social Services (4607 of 6 May 2016) was approved in the first reading. The draft is intended to increase the status of social workers, ensure protection of the rights of persons receiving social services, and extend the powers of local executive bodies and local self-government bodies to provide social services at the place of residence of the persons receiving such services.

220. The draft law 4578 of 4 May 2016 “On Certain Amendments to Some Legislative Acts of Ukraine on the Employment of Persons with Disabilities” is intended to improve the employment, labour protection and health status of persons with disabilities.

221. A number of draft laws on special arrangements for persons with special needs are being discussed in the Parliament. These include provisions for access to courts (draft law 6211), buildings (draft law 6536), and transportation and voting stations (draft law 5559), as well as administrative fines for violations of norms on special arrangements for persons with disabilities (draft law 5546).

222. Deaf or non-speaking persons are provided with the assistance of sign language interpreters when receiving free legal assistance.

Article 27 (taking into account recommendation 11 in CCPR/C/UKR/CO/7)

223. According to Law of Ukraine 2494 of 25 June 1992 “On National Minorities in Ukraine”, the State guarantees all national minorities the right to national and cultural autonomy, in particular to use and study in their native languages, to develop national cultural traditions, to use national symbols, to celebrate national holidays and to profess their religions.

224. Since 2017, the Expert Council on Ethnic Policy has been functioning as a permanent advisory body that monitors, analyses and assesses various aspects of state policy in the field of interethnic relations and protection of the rights of national minorities. A Concept of the State Ethnonational Policy of Ukraine and a Concept of Speech on Issues of National Minorities have been developed.

225. The Ministry of Education and Science has approved additional measures for the development of language competences of students at general education institutions with national minorities’ languages of instruction for 2017–2021. These measures include publication of bilingual dictionaries of terminology from relevant branches of knowledge, and spreading of the practice of studying separate subjects in the official language and in the languages of the educational minorities. Information on education in native languages and study of the native language in educational institutions is given in Table 1.

226. Every year, using funds from the State Budget, textbooks are being issued for institutions of general secondary education. In particular in 2018, publication of textbooks for Grades 1, 5 and 10 has been envisaged. For Grade 1 students at general secondary education institutions that teach in languages of national minorities, ABC books will be issued in Crimean Tatar, Hungarian, Moldovan, Polish, Romanian and Russian, and Ukrainian-language textbooks will also be issued with audio materials to support the printed books. Textbooks on all other subjects will be translated into these languages. Textbooks on the languages and literature of national minorities, textbooks on other optional subjects will be issued in the official language or in the language of the national minority for students in Grades 5 and 10.

227. The Presidential Commissioner on Crimean Tatar Affairs was appointed in 2014. He is currently involved with the Constitutional Commission that is working on the necessary amendments to the new constitutional status of Crimea.

228. The Law of Ukraine of 17 April 2014 “On the Restoration of the Rights of Persons Deported on Grounds of Nationality” provides for state guarantees to deportees regarding settlement in those administrative-territorial units within which they or their parents had been living at the time of deportation. The status of a person deported on the basis of nationality was granted to 67 persons. Part of the annual state budget is allocated for the needs of the Crimean Tatars.

229. The draft law 6315 of 4 April 2017 “On the Status of the Crimean Tatar People” is intended to create legal conditions for implementation of the inalienable right to self-determination of the Crimean Tatar people and to guarantee the preservation and development of their ethnic, cultural, linguistic and religious identity as an indigenous people of Ukraine.

230. The Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 and the Action Plan for its implementation aim at increasing educational opportunities for Roma individuals, reducing poverty, and improving housing and living conditions (especially in places of compact residence) as well as cultural development.

231. Over the past year, 2,600 Roma families received various types of social services (social support, adaptation, rehabilitation, and so on). More than 1,000 families received psychological assistance, 762 families were provided with legal aid, documents were reinstated for 910 people, 1,100 families were provided with humanitarian aid; and 47 people were employed. More than 3,000 Ukrainian passports were issued to persons of Roma ethnicity, which is twice as many as in 2016.
