



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the eighth periodic report of Ukraine*

1. The Committee considered the eighth periodic report of Ukraine¹ at its 3820th and 3821st meetings,² held on 25 and 26 October 2021, in hybrid format owing to restrictions imposed in connection with the coronavirus disease (COVID-19) pandemic. At its 3833rd meeting, held on 4 November 2021, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the eighth periodic report of Ukraine and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the important information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

- (a) Decree No. 119/2021, by which a new version of the national human rights strategy was adopted, on 24 March 2021;
- (b) The law on mine action measures, on 6 December 2018;
- (c) The law on preventing and combating domestic violence, on 7 December 2017;
- (d) The law on the civil service, in 2015;
- (e) The national strategy for promoting the development of civil society in Ukraine until 2026, on 27 September 2021;
- (f) The strategy for promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period until 2030, on 28 July 2021;
- (g) The action plan for the implementation of the national human rights strategy, on 28 October 2020;

* Adopted by the Committee at its 133rd session (11 October–5 November 2021).

¹ [CCPR/C/UKR/8](#).

² See [CCPR/C/SR.3820](#) and [CCPR/C/SR.3821](#).

³ [CCPR/C/UKR/RQ/8](#).

⁴ [CCPR/C/UKR/Q/8](#).



(h) The second national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security for the period until 2025;

(i) The action plan on the implementation of certain principles of the State internal policy on temporarily occupied territories of Crimea, on 28 March 2018;

(j) The action plan on the implementation of certain principles of the State internal policy on certain areas of Donetsk and Luhansk regions Where the State authorities temporarily do not execute their powers, on 11 January of 2017.

4. The Committee also welcomes the State party's ratification of, or accession to, the following international instruments:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance, including its individual complaints procedure (art. 31) and its inquiry procedure (art. 33), on 14 August 2015;

(b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, including its inquiry procedure (art. 13), on 2 September 2016.

C. Principal matters of concern and recommendations

Applicability of the Covenant

5. The Committee, having due regard for General Assembly resolution 68/262 on the territorial integrity of Ukraine, welcomes the measures taken by the State party to ensure the respect of human rights in Donetsk and Luhansk regions, which are not under the control of the Government, and in the Autonomous Republic of Crimea and the city of Sevastopol, temporarily occupied by the Russian Federation. It is nevertheless concerned that the human rights of individuals in these areas do not enjoy the same level of protection under the Covenant as those of their counterparts in the rest of Ukraine. Despite the measures taken by the State party, the Committee regrets the difficulties encountered by individuals in those areas, including when seeking the issuance of birth certificates, which requires a prior court decision (art. 2).

6. The State party should take all appropriate measures to ensure that all individuals in all parts of the State party's territory can effectively enjoy the rights guaranteed to them under the Covenant. The State party should ensure that all children born in its territory are registered free of charge and receive an official birth certificate.

Views adopted under the Optional Protocol

7. The Committee notes with concern the decision of the Grand Chamber of the Supreme Court of Ukraine dated 18 September 2018 concerning case No. 13-53zvo18, which undermines the implementation of the Committee's Views at the domestic level. The Committee also finds it regrettable that most of the Views it has issued have not been implemented and are still the subject of follow-up procedures (art. 2).

8. Recalling its general comment No. 33 (2008), the Committee calls upon the State party to cooperate with the Committee in good faith and take all the measures necessary to put in place appropriate procedures to give full effect to the Committee's Views and thereby ensure access to an effective remedy when a violation of the Covenant has occurred (art. 2 (3)).

State of emergency

9. The Committee takes note of the latest depositary notification made to the Secretary-General, dated 26 November 2019, by which the Government informed Member States that it would continue the derogations under articles 9, 12 and 17 of the Covenant; that the special regime of pretrial investigations enacted by the law on amendments to the Code of Criminal Procedure regarding the special regime of pretrial investigations under martial law, in states of emergency or in the context of anti-terrorism operations, is not applicable to the Joint Forces Operation; and that it withdrew the derogations from its obligations under article 14

of the Covenant. In this respect, and in accordance with article 4 of the Covenant and with its general comment No. 29 (2001), the Committee recalls that procedural guarantees, including, often, judicial guarantees, are inherent in the protection of rights explicitly recognized as non-derogable in article 4 (2) (art. 4).

10. The State party should ensure that any measure taken in line with the derogations from its obligations under the Covenant are in full compliance with article 4 of the Covenant. The State party's attention is drawn to the Committee's general comment No. 29 (2001), in particular to paragraph 16, and recalls that procedural, including judicial, guarantees are critical for the protection of rights explicitly recognized as non-derogable in article 4 (2) and should be respected during a state of emergency.

Gender equality

11. While noting the various measures taken to promote gender equality and combat gender stereotypes in the family and in society, the Committee remains concerned about the persistently low level of representation of women in the public sector, particularly at higher State and local levels, including of women representing vulnerable groups. It is also concerned about the persistent wage gap between men and women (arts. 2–3 and 25–26).

12. The State party should:

- (a) Strengthen strategies to raise public awareness with a view to combating gender stereotypes in the family and in society;**
- (b) Continue its efforts to increase women's participation, particularly in the public sector and at the highest levels, including the participation of women representing vulnerable groups;**
- (c) Take effective measures to close the wage gap between men and women.**

Non-discrimination

13. Despite the legislative initiatives to expand the grounds for discrimination in law, including by adding gender identity and sexual orientation as protective grounds, the Committee is concerned about the lack of comprehensive anti-discrimination legislation in line with the provisions of the Covenant. The Committee notes with concern the lack of information from the State party about the steps taken to address stigma and discriminatory attitudes towards multiple groups, including ethnic minorities, lesbian, gay, bisexual, transgender and intersex persons, internally displaced persons and persons with disabilities, and to promote sensitivity and respect for diversity among the general public. The Committee is also concerned about cases of Roma not being able to gain access to the courts to defend their rights because they lack identification documents (arts. 2 and 26).

14. The State party should adopt comprehensive anti-discrimination legislation to ensure that its legal framework provides: (a) effective protection against discrimination in all spheres, including in the private sphere, and prohibits direct, indirect and multiple discrimination; (b) a comprehensive list of prohibited grounds for discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation or gender identity, or other status, in line with the Covenant; and (c) for effective remedies in cases of violations. It should also take concrete steps, such as comprehensive awareness-raising campaigns and activities, to address stigma and discriminatory attitudes and promote sensitivity and respect for diversity among the general public. In line with paragraph 4 of the Order of the Cabinet of Ministers of Ukraine No. 701-r of 11 September 2013, the State party should intensify its efforts to assist Roma persons in obtaining identification documents.

Hate speech and hate crimes

15. While noting the legislative measures taken by the State party to combat hate speech and hate crimes, the Committee is concerned about reports of intolerance, prejudice, hate speech and hate crimes against members of vulnerable and minority groups, including Roma, Hungarians, Jehovah's Witnesses, Crimean Tatars and lesbian, gay, bisexual, transgender

and intersex persons, in the media and often perpetrated by extreme right-wing groups. The Committee is also concerned about reports indicating that the majority of hate crimes against members of minority groups are not classified as such under article 161 of the Criminal Code. It regrets the very low number of complaints, investigations and convictions for hate crimes, as well as the reports indicating that amicable settlements have been mediated under article 161 of the Criminal Code instead of prioritizing access to judicial remedy. In particular, it notes with concern the slow pace of the investigations and lack of convictions in respect of the attacks on Roma settlements in Kyiv, Ternopil and Lviv in 2018 and the attacks that occurred in 2019 against seven members of the lesbian, gay, bisexual, transgender and intersex community participating in a pride event in Kyiv (arts. 2, 19–20 and 26).

16. The State party should:

(a) **Consider reviewing its legislation to explicitly prohibit hate crimes in accordance with the Covenant and strengthen its efforts to combat intolerance, stereotypes, prejudice and discrimination against members of vulnerable and minority groups, including Roma, Hungarians, Jehovah's Witnesses, Crimean Tatars and lesbian, gay, bisexual, transgender and intersex persons, including by increasing training for law enforcement personnel, prosecutors and members of the judiciary and by conducting awareness-raising campaigns;**

(b) **Encourage the reporting of hate crimes and hate speech and ensure that such crimes are identified and registered, including through the establishment of a comprehensive system for collecting disaggregated data;**

(c) **Strengthen the capacity of law enforcement officers to investigate hate crimes and criminal hate speech, including on the Internet, reinforce the training of judges and prosecutors and ensure that all cases are systematically investigated, that perpetrators are held accountable with penalties commensurate with the seriousness of the crime and that victims have access to full reparation.**

Violence against women

17. The Committee acknowledges the State party's efforts to combat violence against women, including the opening of a telephone hotline and the creation of shelters. It is concerned, however, by the persistence of violence against women, in particular sexual violence in conflict areas. It also notes with concern the low level of reporting and of prosecution and conviction of perpetrators of violence against women, the lack of information on the availability of legal aid and the lack of effective protection measures for victims of violence (arts. 2–3, 6–7 and 26).

18. The State party should, as a matter of urgency, step up its efforts to combat violence against women, including domestic and sexual violence by, inter alia:

(a) **Pursuing campaigns about the unacceptability and adverse impact of violence against women and systematically informing women of their rights and the avenues available for obtaining protection, assistance and redress, in particular in conflict areas;**

(b) **Ensuring that law enforcement officers, members of the judiciary, prosecutors and other relevant stakeholders receive appropriate training on how to detect, handle and investigate, in a gender-sensitive manner, cases of violence against women;**

(c) **Ensuring that cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims have access to effective remedies;**

(d) **Improving accessibility of support services for victims;**

(e) **Considering ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).**

Investigation of human rights violations in Maidan and Odesa

19. The Committee is concerned about the slow pace of the investigations and of the corresponding trials on human rights violations, including killings and violent deaths, committed during the protests held in Maidan in January and February 2014 and in Odesa in May 2014. The Committee finds it regrettable that progress in the investigations into those offences has been hampered, including by the understaffing and underfunding of the courts and by the so-called immunity law (Law No. 743-VII), which has impeded investigations in particular into the killings of 13 police officers allegedly by protesters (arts. 6–7, 9, 14 and 21).

20. The State party should increase its efforts to conduct a thorough and impartial investigation into the human rights violations committed during the protests held in Maidan in January and February 2014 and in Odesa in May 2014. The State party should abolish all obstacles in the legislation hampering investigations into killings and violent deaths, in particular the killing of 13 police officers. Moreover, it should ensure that all victims and their relatives are informed about the progress made and the results of the investigation, identify all perpetrators and ensure that they are prosecuted and punished with penalties commensurate with the gravity of their crimes. Additionally, it should ensure that all victims and their families are provided with full reparation, including adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Right to life and protection of civilian populations

21. The Committee commends the State party on the measures taken to enhance the protection of civilians and the significant improvement in the security situation in the Donetsk and Luhansk regions, which are not under the control of the Government, and in the Autonomous Republic of Crimea and the city of Sevastopol, temporarily occupied by the Russian Federation. It notes with concern, however, that the national strategy for protecting civilians in armed conflicts for the period until 2030 has not yet been adopted. The Committee is concerned about reports of injuries and deaths caused by landmines in eastern Ukraine (art. 6).

22. The State party should continue its efforts to enhance the protection of the civilian population in conflict zones and adopt the relevant national strategy. It should also intensify its efforts to protect civilians, in particular children, against landmines, including through mine clearance programmes, programmes for mine awareness and the physical rehabilitation of victims.

Past human rights violations

23. While the Committee welcomes the State party's assurance that it will investigate all crimes committed in the context of armed conflict, it notes with concern the lack of progress made in investigating cases of and prosecuting those responsible for grave human rights violations, including summary executions, acts of sexual violence, abductions, enforced disappearances, unlawful or arbitrary detentions and acts of torture and ill-treatment, allegedly perpetrated by Ukrainian military and law enforcement personnel in the context of the armed conflict, including in the unofficial detention facility in Kharkiv, from 2014 to 2016. It is also concerned about reports indicating that victims, particularly women, often do not report human rights violations because of fear of reprisal, lack of trust in State institutions and lack of knowledge about their rights. It notes with concern reports of lawyers being threatened for having defended individuals in cases related to the armed conflict. Furthermore, the Committee welcomes the commitment expressed by the State party during the dialogue to comply with opinion No. 1046/2021 of the European Commission for Democracy through Law (Venice Commission) on the draft law on the principles of a State policy for the transition period (arts. 2, 6–7, 9–10 and 14).

24. **The State party should:**

(a) **Take all possible measures to end impunity for perpetrators of human rights violations, in particular the most serious violations, by systematically conducting prompt, impartial, effective and thorough investigations in order to identify and prosecute those responsible and to impose appropriate penalties on those who are**

convicted of such violations, while ensuring that the families of the victims have access to effective remedies and to full reparation;

(b) **Adopt a comprehensive State policy on the provision of reparations to civilian victims of the conflict;**

(c) **Guarantee the protection of complainants, including women and lawyers, against any form of reprisal and ensure that all cases of reprisal are effectively investigated and that perpetrators are prosecuted and, if convicted, appropriately punished;**

(d) **Ensure that persons convicted for serious human rights violations are excluded from positions of power and authority;**

(e) **Reconsider the draft law on the principles of a State policy for the transition period, taking into consideration opinion No. 1046/2021 of the Venice Commission.**

Enforced disappearance

25. While the Committee welcomes the adoption in 2018 of the law on the legal status of missing persons, it is concerned about its legal imprecisions, the scope of its application and the modes of implementation of its various provisions. In particular, it notes with concern the difficulties in determining which provisions apply to all missing persons and which apply only to persons who have gone missing during the specific situation of the conflict. Despite the efforts made by the State party, the Committee regrets that it is difficult for the Commission on Persons Missing in Special Circumstances and the unified register of missing persons, both of which were established in 2019, to function properly. While it notes the introduction into the Criminal Code of article 146 (1), defining the crime of enforced disappearance, the Committee is concerned that the penalties foreseen are not commensurate with the gravity of the offence (arts. 2, 6–7, 9, 14 and 16).

26. **The State party should:**

(a) **Revise the legal framework to ensure that all forms of enforced disappearance are clearly defined in criminal law and that the associated penalties are commensurate to the severity of the offence;**

(b) **Step up efforts to ensure the timely investigation of all reported cases of enforced disappearances, including when committed in the context of armed conflict, as well as the timely prosecution and punishment of those responsible;**

(c) **Strengthen the capacity of prosecutors' offices specialized in cases of disappeared persons and redouble efforts to investigate all cases of alleged enforced disappearance in a thorough, impartial and transparent manner in order to clarify the whereabouts of disappeared persons and prosecute and punish those responsible;**

(d) **Take all measures necessary to ensure the effective functioning of the Commission on Persons Missing in Special Circumstances and the unified register of missing persons by providing the institutional and budgetary resources without delay, in accordance with the relevant legislation.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

27. The Committee remains concerned about reports that acts of torture and ill-treatment continue to be perpetrated by law enforcement authorities and about the limited number of convictions handed down despite the high numbers of complaints lodged.⁵ The Committee notes with concern that the definition contained in article 127 of the Criminal Code criminalizes only the direct perpetration of torture, but not the mere consent to or acquiescence by a public official or other person acting in an official capacity, and that it does not foresee command or superior responsibility (arts. 2, 7, 9 and 14).

⁵ CCPR/C/UKR/CO/7.

28. **The State party should:**

(a) **Step up efforts to eradicate torture and ill-treatment, ensure that such acts are promptly, thoroughly and independently investigated, that perpetrators are prosecuted in a manner commensurate with the gravity of their acts and that victims are provided with effective remedies, including adequate compensation;**

(b) **Establish an effective and independent complaints mechanism to deal with cases of alleged torture and ill-treatment;**

(c) **Amend article 127 of the Criminal Code to include a definition of torture that is consistent with the Covenant and other international standards.**

Arbitrary detention of conscripts

29. The Committee is concerned about reports that conscripts, including conscientious objectors, are hunted down and delivered to military assembly points against their will and about conscripts being subjected to arbitrary detention. It is also concerned about the lack of information on investigations into such cases and on the prosecution of those responsible (arts. 9–10 and 18).

30. **The Committee reiterates its previous recommendation⁶ and stresses that alternatives to military service should be available to all conscientious objectors without discrimination as to the nature of their beliefs justifying the objection (be they religious beliefs or non-religious beliefs grounded in conscience), and should be neither punitive nor discriminatory in nature or duration by comparison with military service. The State party should ensure that cases of abduction and arbitrary detention of conscripts are promptly, thoroughly and independently investigated, that perpetrators are prosecuted and punished and that victims are provided with effective remedies, including adequate compensation.**

Pretrial detention

31. The Committee is concerned about reports of persons being held in pretrial detention for long periods, contrary to the Covenant. In particular, the Committee is concerned about reports of children being held in pretrial detention for more than one year (arts. 9–10 and 14).

32. **The State party should ensure that pretrial detention is used only as a measure of last resort, for the shortest possible time, and that it is reviewed on a regular basis, in line with the Covenant. It should also ensure that the pretrial detention of juveniles is avoided to the fullest extent possible. The State party should continue to promote the use of non-custodial alternative measures.**

Freedom of movement

33. The Committee commends the State party on the measures taken to improve the conditions for crossing at checkpoints and the establishment of two additional checkpoints in the region of Luhansk. The Committee notes with concern the severe restrictions imposed on civilians at the checkpoints during the COVID-19 pandemic. Despite the exceptional grounds allowing crossings on humanitarian grounds, it notes with concern reports indicating that, in practice, many people allegedly complying with the requirements established by the State party were nevertheless denied permission to cross (art. 12).

34. **The State party should guarantee freedom of movement and lift all restrictions incompatible with article 12 of the Covenant, taking into account the Committee's general comment No. 27 (1999). The State party should ensure that the relevant authorities provide clear and transparent reasons for any refusal or limitation on crossing checkpoints and that an appeal process is available in such circumstances.**

⁶ Ibid., para. 19.

Internally displaced persons

35. The Committee is concerned that internally displaced persons face multifaceted discrimination, including with regard to their political rights, and that such discrimination hampers their reintegration into society. Despite the enactment in 2019 of the Electoral Code and the improvements made to the conditions regulating the exercise of the right to vote for internally displaced persons, the Committee is concerned that practical barriers remain and that the number of internally displaced persons exercising their right to vote is still low (arts. 12 and 26).

36. The State party should take legislative and practical measures to combat discrimination against internally displaced persons, including by ensuring their right to vote in practice. In particular, it should take measures to facilitate the procedure for the registration of the actual residence of internally displaced persons and encourage them to exercise their right to vote, including through strategies to raise public awareness of the Electoral Code and procedures to guarantee the full scope of voting rights to internally displaced persons.

Rights of aliens, including migrants, refugees and asylum seekers

37. The Committee is concerned that some measures taken to address the influx of migrants may infringe the rights protected under the Covenant. In particular, the Committee is concerned that, in practice, asylum seekers in the transit zones of international airports have no access to an effective appeal mechanism with suspensive effect and that legal assistance and interpretation services are not available. While noting that there is a draft law (No. 3387) on granting protection to foreigners and stateless persons, the Committee is nevertheless concerned that some of its provisions, including the broad scope of the provisions allowing for detention, are inconsistent with the Covenant (arts. 2, 7, 9–10, 13 and 17).

38. **The State party should:**

(a) **Ensure that any legislation adopted fully complies with the Covenant, in particular the principle of non-refoulement and the right to liberty and security of person, in accordance with the Committee's general comment No. 35 (2014), and that the principle of non-refoulement is fully respected in transit zones;**

(b) **Provide free legal aid and translation services to applicants for asylum at the border, in particular in transit zones, to ensure that they are able to exercise their right to appeal in practice;**

(c) **Enhance the training of border guard officials and immigration personnel to ensure full respect of the rights of asylum seekers under the Covenant and other applicable international standards.**

COVID-19 response

39. The Committee notes the information provided by the State party indicating that restrictions were introduced on certain articles of the Covenant, such as articles 12, 18 and 21, as a result of measures taken to protect public health following the onset of the COVID-19 pandemic. The Committee is concerned about reports that significant curtailments of civil and political rights, with particularly acute effects on conflict-affected populations, women, Roma, older persons and others, were imposed through resolutions of the Cabinet of Ministers instead of through revisions of the national legal framework, raising concerns about the legality of those measures (arts. 4, 12 and 21–22).

40. The State party should ensure that revisions to the national legal framework on emergencies and related measures, including those relating to the protection of public health, as well as any restrictions, are made in strict accordance with the conditions outlined in the Covenant. Moreover, if the material scope of any curtailment of rights under the Covenant extends beyond that which is allowed in the relevant articles, the State party should avail itself of the right of derogation and immediately inform other States parties to the Covenant, through the intermediary of the Secretary-General.

Right to privacy

41. The Committee is concerned about the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of surveillance, interception activities, access to and disclosure of personal data among State security, intelligence agencies and private actors. The Committee is also concerned about the lack of information on the outcome of criminal investigations carried out in relation to the website Myrotvorets for alleged violations of the right to privacy, including the disclosure of personal data of thousands of Ukrainians and the publication of personal data of individuals allegedly linked to armed groups or labelled as “terrorists” (art. 17).

42. The State party should bring its regulations governing data retention and access, surveillance and interception activities into full conformity with the Covenant, in particular its article 17, and ensure strict adherence to the principles of legality, proportionality and necessity. It should ensure that any interference with the right to privacy requires prior authorization from a court and is subject to effective and independent oversight mechanisms and that affected persons are notified of the surveillance and interception activities to which they are being subjected, where possible, and have access to effective remedies in cases of abuse. The State party should also ensure that all reports of abuse are thoroughly investigated and that such investigations, where warranted, lead to appropriate sanctions.

Independence of the judiciary and administration of justice

43. While noting the efforts taken by the State party, the Committee remains concerned about:

(a) The lack of measures to fully ensure the independence of judges and prosecutors;

(b) The lack of transparency in the procedure for the appointment and dismissal of prosecutors;

(c) The challenges faced during the qualification assessment of judges, including the lack of a transparent evaluation procedure, allegations of corruption in the assessment process and the resignation of a high number of judges during the qualification assessment process;

(d) The insufficient number of judges in the State party, which has resulted in delays and lack of access to justice for a significant number of citizens, particularly in Donetsk and Luhansk regions (art. 14).

44. The State party should refrain from interfering in the judiciary and safeguard, in law and in practice, the full independence and impartiality of judges and the independence and effective autonomy of prosecutors by, inter alia, ensuring that the procedures for the selection, appointment, promotion, transfer and removal of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors. It should promote and encourage the selection of new judges in accordance with established procedure, in particular in Donetsk and Luhansk regions.

Freedom of thought, conscience and religion

45. The Committee is concerned about reports of acts of violence, intimidation and vandalism targeting places of worship in connection with the process of transitioning churches and religious communities from the Ukrainian Orthodox Church to the newly established Orthodox Church of Ukraine. The Committee is also concerned about the reported inaction of the police in such incidents and the lack of information on investigations conducted by the State party (art. 18).

46. **The State party should:**

(a) **Guarantee the effective exercise of the right to freedom of religion and belief, including by protecting places of worship against acts of violence, intimidation and vandalism;**

(b) **Ensure that all cases of violence are thoroughly and promptly investigated and that those responsible are sanctioned.**

Freedom of expression

47. The Committee is concerned about:

(a) Continued reports of intimidation, persecution and assaults committed by, among others, members of extreme right-wing groups against journalists and human rights defenders, particularly activists working against corruption and to promote the rights of lesbian, gay, bisexual, transgender and intersex persons and gender equality;

(b) Systematic flaws in investigations and delays in criminal proceedings, in particular in the cases of Oles Buzina (2015), Pavlo Sheremet (2016) and Vadym Komarov (2019), whose murders have not yet been solved;

(c) The lack of adequate safeguards, including judicial oversight, to ensure that restrictive measures on freedom of expression on national security grounds conform with article 19 of the Covenant and the Committee's general comment No. 34 (2011);

(d) Reports that journalists' sources of information have been disclosed, in particular in high-profile cases of corruption, despite the October 2019 amendment to the law on the prevention of corruption defining the legal status, rights and guarantees of whistleblowers (arts. 2, 6–7, 14 and 19).

48. **The State party should prohibit officials from interfering with the legitimate exercise of the right to freedom of expression of human rights defenders and journalists, guarantee defenders' and journalists' effective protection against any kind of threat, pressure, intimidation or attack and ensure that illegal acts are thoroughly investigated and that those responsible are appropriately charged and brought to justice. The State party should ensure that any restrictions on the right to freedom of opinion on national security grounds comply fully with the strict requirements of article 19 of the Covenant and the Committee's general comment No. 34 (2011). It should also ensure, in law and in practice, the protection of the confidentiality of journalistic sources, including through adequate judicial safeguards to prevent undue interference in the right to freedom of expression.**

Right to freedom of peaceful assembly

49. The Committee commends the State party on the measures taken to enhance the protection of the right to freedom of peaceful assembly, including the inclusion in the national human rights action plan 2021–2023 of instructions for the national police and the national guard on handling violent attacks during peaceful assemblies. Despite these improvements, the Committee is concerned that excessive force is still used by law enforcement officers during demonstrations. It also regrets reports indicating that peaceful demonstrators are often charged with administrative offences and that officers responsible for perpetrating violence against demonstrators are rarely investigated and prosecuted for such acts. Finally, the Committee remains concerned⁷ about the lack of a domestic legal framework regulating peaceful assemblies (arts. 7, 14 and 21).

50. **The State party should:**

(a) **Take measures to effectively prevent and eliminate all forms of excessive use of force by law enforcement officers, including by providing training on the use of force, the Basic Principles on the Use of Force and Firearms by Law Enforcement**

⁷ Ibid., para. 21.

Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;

(b) **Ensure that all allegations of excessive use of force by State agents during peaceful assemblies are investigated promptly, thoroughly and impartially, that those allegedly responsible are prosecuted and, if found guilty, punished and that the victims obtain redress;**

(c) **Expedite efforts to adopt a law regulating the right to freedom of peaceful assembly that complies with article 21 of the Covenant and the Committee's general comment No. 37 (2020).**

Participation in public affairs

51. The Committee commends the State party for the establishment of Politdata, the online electronic register of reports on spending by political parties. It is nevertheless concerned about reports indicating that there is corruption, misuse of State resources and a lack of transparency in campaign financing. It regrets the inadequate oversight over campaign funding and spending and the impact it has on fair and equitable electoral representation. The Committee is also concerned about the provisions in law allowing for broad discretion to deny registration and to deregister political parties on the grounds of threats to national security and public order, including the established ban on communist and national-socialist parties. In this regard, the Committee draws the State party's attention to opinions No. 823/2015 and No. 1022/2021 of the Venice Commission. Moreover, it notes with interest the information provided by the State party indicating that the draft law on political parties is currently being reviewed on the basis of opinion No. 1022/2021 Venice Commission.

52. **The State party should:**

(a) **Adopt all measures necessary to ensure transparency and effective monitoring of campaign financing, which should be subject to effective and independent oversight mechanisms;**

(b) **Ensure that allegations of corruption and of misuse of financial resources are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;**

(c) **Foster a culture of political pluralism and reconsider the limitations on the registration of political parties, which should be used only as a measure of last resort in exceptional cases, proportionate and necessary in a democratic society;**

(d) **Continue its efforts to review the draft law on political parties, taking into consideration opinion No. 1022/2021 of the Venice Commission.**

D. Dissemination and follow-up

53. **The State party should widely disseminate the Covenant, its eighth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official languages of the State party.**

54. **In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 5 November 2024, information on the implementation of the recommendations made by the Committee in paragraphs 42 (right to privacy), 44 (independence of the judiciary and administration of justice) and 48 (freedom of expression) above.**

55. In line with the Committee's predictable review cycle, the State party will receive in 2027 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its ninth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2029 in Geneva.
