



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE SIXTH PERIODIC REPORT
OF UKRAINE**

**Constitutional and legal framework within which the Covenant is
implemented (art. 2)**

1. Please indicate to what extent the Covenant has been invoked before and enforced by the national courts.
2. Please provide data on a) the number of complaints submitted to the Ombudsman; b) investigations carried out and c) their outcome. What are the measures taken by the State party to give effect to the Ombudsman's recommendations? (Previous concluding observations, para. 12).
3. Please describe the procedures in place for implementation of the Concluding Observations of the Human Rights Committee, as well as the Views adopted by the Committee under the First Optional Protocol. Also please indicate what specific measures have been taken by the State party to fully implement the Committee's Views regarding communication No. 781/1997 (A. Aliev v. Ukraine).

Equality between the sexes (art. 3)

4. Please explain the reasons for the decrease in the percentage of women serving in legislative and executive posts. (Report, paras. 36, 38, 41, 45). Please provide information on measures taken to improve the representation of women in senior governmental positions as well as in the Parliament.

5. Please describe any efforts to improve the training of police officers and inspectors concerning issues of domestic violence, in light of the number of complaints made by the victims to the police. (Report, paras. 94, 96, 97, 103) What other measures is the State party taking to sensitize public officials and society to the issue of domestic violence?

Permissible derogations in time of public emergency (art. 4)

6. Please explain how article 64 of the Constitution complies with the requirements of article 4, paragraph 2 of the Covenant. (Report, paras. 72-73). Also please comment on the alleged declaration of a state of emergency on 6 December 2005, due to the outbreak of avian influenza, and its compatibility with the requirements of article 4 of the Covenant.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

7. Please explain how national law protects the right of a person not to be deported to a country in which he or she would face torture and other cruel, inhuman or degrading treatment or punishment.
8. Please explain the legal procedure followed in the case of ten Uzbeks who registered as asylum seekers with the UNHCR in Kiev but were deported to their country of origin despite claims of risk of torture and other cruel, inhuman or degrading treatment or punishment.
9. Please provide detailed statistics on the number of: a) registered complaints or allegations of acts of torture and ill-treatment perpetrated by law enforcement officials; b) investigations, and c) where appropriate, criminal prosecutions of those responsible and reparations provided to the victims. What concrete steps have been taken with respect to the Committee's recommendations on the problem of police harassment and torture, including the need for investigation of allegations of torture by an independent authority, access to lawyers and doctors by detainees, the right of detainees to inform their families of the place of their detention, prompt access to counsel, and exclusion of coerced statements as evidence? (Previous concluding observations, paras. 13, 15)
10. Please indicate whether particular groups, such as members of some minorities, have been most at risk in facing acts of torture and ill-treatment.

**Prohibition of slavery, servitude and forced or compulsory labour
(Art. 8)**

11. Please provide information on concrete steps taken to combat trafficking of women and children for sexual exploitation, especially in light of reports of increased trafficking within and through the country. Please provide detailed information on the 872 reported cases of trafficking in human beings investigated by the authorities and the outcomes. (Report, para. 138)

**Security of the person and protection from arbitrary arrest, and right to a fair trial
(Art. 9 and 14)**

12. What steps have been taken to assure that suspects are advised of their right to counsel at a timely stage of a criminal investigation? How are lawyers provided for defendants who cannot afford to retain a private attorney?
13. Please indicate the number of cases for which compensation was granted for unlawful pre-trial detention and in what form.
14. Please explain how custody as a “temporary preventive measure” (for up to 72 hours) before detainees are informed of charges brought against them and the possible extension of the custody for up to 15 days could be compatible with article 9 of the Covenant. (Report, para. 163)
15. Please provide information on the alleged arbitrary detentions of students who peacefully demonstrated during the election campaign in 2004. Have investigations have been carried out? Have prosecutions been undertaken and reparations provided to the victims?
16. Please provide specific information on measures taken to combat the alleged corruption of the judiciary and the results.

**Treatment of persons deprived of their liberty
(Art. 10)**

17. Please comment on alleged overcrowding and poor conditions in detention and prison facilities, and discuss possible methods of ameliorating this problem – including such matters as sanitary facilities, lack of lighting and ventilation, inadequate sleeping and exercise facilities, lack of food, and a high rate of TB infection among detainees. Please elaborate on the availability and effectiveness of complaint mechanisms for any abuses committed against persons detained in police custody and penitentiary institutions.

**Right to freedom of thought, conscience and religion
(Art. 18)**

18. Please provide detailed information on the law governing registration requirements for non-traditional religious organizations. Please also provide information on the number of applications approved for registration of religious organizations, and the grounds on which remaining registrations have been denied.

Freedom of opinion and expression (Art. 19)

19. Please provide information on alleged cases of physical harassment against journalists by local authorities, as well as measures taken to protect them. Please also provide information on sanctions imposed on those found responsible for the abuses against journalists.
20. There have been reports that media ownership has been concentrated in fewer hands. Are there any formal or informal restrictions on the entry of new media? Have any applications for new media been denied?
21. Please provide information on the ongoing investigation into the “disappearance” of journalist Georgiy Gongadze. Please comment on reports that at least 15 journalists were subjected to physical attacks or intimidation during 2005 likely related to their professional activities.

Prohibition of advocacy of national, racial or religious hatred (Art. 20)

22. Please provide statistical data on the number of incidents related to Islamophobia and anti-Semitism examined by the State Committee on Nationalities and Migration. (Report, para. 307). Please also provide information on measures taken to counter the spread of racism and xenophobia, often with strong elements of anti-Semitism, via the Internet and in sports. What response has been made to reported physical attacks upon Ukrainian Jews and the defacement of synagogues in 2005?

Protection of children (Art. 24)

23. Please explain what concrete steps have been taken to combat the trafficking of infants and children for adoption.

**Right of equality before the law and to the equal protection of the law;
Rights of persons belonging to minorities
(Art. 26 and 27)**

24. Please provide specific information on measures taken to ensure that the Crimean Tatar Minority fully enjoy their rights under Articles 26 and 27 of the Covenant. Please also provide information on measures taken to combat discrimination against the Crimean Tatar Minority in the public and private sectors.
25. Please explain the reasons for the alleged large number of foreigners in detention facilities.
26. Please provide information on the familiarization and training of public officials (including teachers, judges, lawyers and police officers), concerning the rights protected by the Covenant and the remedies provided by the Covenant and the First Optional

Protocol. Please describe other measures taken to publicize the Covenant and First Optional Protocol – including the submission of reports by Ukraine, the review process of the Committee, and the Committee’s concluding observations.