



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Report on follow-up to the concluding observations of the Human Rights Committee\*

#### Addendum

### Evaluation of the information on follow-up to the concluding observations on Ukraine

*Concluding observations (133rd session):* [CCPR/C/UKR/CO/8](#), 4 November 2021

*Follow-up paragraphs:* 42, 44 and 48

*Information received from State Party:* [CCPR/C/UKR/FCO/8](#), 5 November 2024

*Information received from stakeholders:* Cherkasy and Kaniv Eparchy of the Ukrainian Orthodox Church,<sup>1</sup> 24 November 2025; Connection e.V.,<sup>2</sup> 21 July 2025; and Public Institution for Human Rights,<sup>3</sup> 20 November 2025

*Committee's evaluation:* 42 [B], 44 [B] and 48 [C]

#### Paragraph 42: Right to privacy

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.

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\* Adopted by the Committee at its 145th session (2–19 March 2026).

<sup>1</sup> Submission available at [tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNNGS%2FUKR%2F67654&Lang=en](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNNGS%2FUKR%2F67654&Lang=en).

<sup>2</sup> Submission available at [tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNNGS%2FUKR%2F66517&Lang=en](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNNGS%2FUKR%2F66517&Lang=en).

<sup>3</sup> Submission available at [tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNNGS%2FUKR%2F67637&Lang=en](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNNGS%2FUKR%2F67637&Lang=en).



### Summary of the information received from the State Party

The right to privacy and non-interference with private and family life are protected under the Constitution (art. 32 (1)), Law No. 2297-VI on personal data protection, the Criminal Procedure Code (arts. 7.1, 15, 233.1, 234.2, 246.2, 246.3, 253 and 258) and the Criminal Code (art. 182).

In 2023, prosecutors terminated 1,863 covert investigative actions and 1,194 in the first half of 2024, due to the absence of further need to interfere with individuals' private communications. Prosecutors also denied 1,360 requests from National Police investigative bodies in 2023 and 762 in the first half of 2024 for permission to conduct investigations under the Criminal Procedure Code (art. 246.3).

As at 1 October 2024, National Police pretrial investigation bodies had initiated 1,139 investigations into criminal offences related to violations of privacy. Of the 601 that had been completed, 297 cases went to court, including 245 involving repeat offences or significant harm to individuals' rights, freedoms and interests, while 304 were closed due to the absence of an event or corpus delicti (Criminal Procedure Code, art. 253).

With respect to legal protection for victims, free legal aid centres registered 34 applications related to violations of privacy between 2021 and September 2024, and 4 applications concerning violations of the secrecy of correspondence or other communications. Consolidated criminal proceedings were also initiated regarding the illegal collection and dissemination of personal data on the Myrotvorets website. The pretrial investigation is ongoing.

Two legislative initiatives were proposed to harmonize the legal framework with international standards: draft law No. 6177 on establishing a national commission on personal data protection and access to public information, submitted to the parliament on 18 October 2021, and draft law No. 8153 on personal data protection, submitted to the parliament on 25 October 2022. The latter seeks, inter alia, to harmonize rules on the processing of personal data by law enforcement and intelligence bodies, as well as on the transfer of such data to other States for law enforcement purposes.

### Committee's evaluation

[B]

The Committee welcomes the information provided regarding the steps taken by the State Party to align its legal framework with international standards, as well as its efforts to investigate criminal offences related to privacy violations. Nevertheless, it regrets the lack of information on the expected timeline for the adoption of the draft laws and on the specific measures in place to ensure that, in practice, any interference with the right to privacy is subject to prior judicial authorization, effective and independent oversight and that affected individuals are notified, where possible, and have access to effective remedies in cases of abuse. The Committee reiterates its recommendations in this regard and encourages the State Party to strengthen its efforts to ensure strict adherence, in law and in practice, to the principles of legality, proportionality and necessity.

### Paragraph 44: Independence of the judiciary and administration of justice

**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.**

### Summary of the information received from the State Party

Judicial independence is guaranteed in Ukraine on the basis of the provisions of article 126 of the Constitution and article 48 of Law No. 1402-VIII on the judiciary and the status of judges of 2016. These laws contain many provisions to ensure the independence of judges, including specific procedures for their appointment, prosecution, dismissal and termination, and general principles such as inviolability, immunity, secrecy and the prohibition of interference.

Law No. 1402-VIII establishes the framework for the selection, appointment and assessment of the qualifications of judges by the High Qualification Commission of Judges of Ukraine. Candidates are assessed in a transparent and public manner; members of civil society may be present, examinations are recorded and anyone may submit information on candidates to the Commission.

In 2021 and 2023, new laws were introduced on the resumption of the work of the High Qualification Commission and on improvements to the procedure for the selection of judges. They provided, inter alia, for the establishment of the Ethics Council, with the participation of international experts, and the shortening of the stages of selection and competition procedures for judges, as well as giving the Commission more freedom to assess candidates' moral and psychological qualities.

The High Qualification Commission has the right to request and receive information from anyone and has direct access to data from State and local government bodies. In 2023, the Public Integrity Council was established, under the Commission, to assist in assessing the compliance of judges and candidates with the professional ethics and integrity criteria. These mechanisms help to uphold the independence of the judiciary through an evaluation of judges' integrity.

The High Qualification Commission resumed its work on 13 November 2023. Since then, it has launched campaigns to fill the vacant positions of judges. Since October 2014, 1,649 judges have undergone assessment. There are currently 4,511 appointed judges and the maximum number of judges is 6,617.

Judges may be transferred to other courts, pursuant to article 82 of Law No. 1402-VIII. This must be carried out on the basis of a recommendation by the High Qualification Commission and is done in cases of reorganization, disestablishment or termination of operations of the court in which the judges are sitting. Pursuant to article 147 (7), during a state of emergency, judges of a court whose territorial jurisdiction is changed may be seconded without their consent to another court of the same level and specialization.

Article 16 of Law No. 1697-VII guarantees the independence of the prosecutor. It stipulates that the prosecutor is independent of any unlawful influence, pressure and interference, and that this independence must be respected.

A prosecutor has the right to report a threat to his or her independence to the Council of Prosecutors of Ukraine, which is obliged to immediately consider such a report and to take the measures necessary to eliminate the threat.

On 15 March 2023, Law No. 2203-IX entered into force, changing the procedure for selecting candidates for the position of district prosecutor. The amendment excluded the requirement for candidates to have two years of work experience in the field of law and introduced the role of trainee prosecutor and an internship at the district prosecutor's office to allow individuals to acquire knowledge and skills for independent work as a prosecutor. It also established that the Qualification and Disciplinary Commission of Prosecutors was the body responsible for conducting disciplinary proceedings and that it was empowered to make a final decision on success or failure in passing the training.

In order to ensure the transparent selection of prosecutors, the Prosecutor General approved a regulation by Order No. 236 of 14 October 2024 introducing a procedure for the selection of candidates by a commission. The commission must consist of two persons appointed by the Prosecutor General, one person delegated by the Council of Prosecutors and three persons proposed by international organizations and non-governmental organizations that have been providing assistance to Ukraine in the past five years in the fields of justice

reform and the prevention and combating of corruption, and who have public authority and higher legal education and work experience in the field of law.

The procedure for dismissing prosecutors and terminating their powers is provided for in article 41 of Law No. 1697-VII. On 19 September 2019, Law No. 113-IX was adopted, empowering the Prosecutor General to determine the procedure for reviewing appeals regarding the improper performance of official duties by a prosecutor. The procedure for consideration of the relevant appeals was approved by the Prosecutor General in Order No. 113 of 1 July 2022. In Order No. 161 of 19 August 2022, the Prosecutor General established the Commission for the Review of Appeals on Improper Performance of Duties by a Prosecutor Holding an Administrative Position, ensuring the consideration of relevant appeals.

In order to further improve the procedure for selecting prosecutors, an action plan was developed for implementing the recommendations of the European Commission. It provides for the introduction of transparent and merit-based selection of prosecutors for senior positions by amending legislative acts, implementing the necessary institutional measures and strengthening the disciplinary system for prosecutors by improving the existing legal and institutional framework. Furthermore, the Cabinet issued Resolution No. 244 of 18 March 2024, which provides for the entry into force of legislation ensuring the transparent and merit-based selection of prosecutors for senior positions with a deadline of the third quarter of 2026.

#### **Committee's evaluation**

[B]

The Committee welcomes the State Party's continued efforts to reinforce the independence and impartiality of judges and the autonomy of prosecutors. It notes with satisfaction: (a) the introduction of legislation aimed at resuming the work of the High Qualification Commission of Judges, improving judicial selection procedures and establishing the Ethics Council; (b) the creation, in 2023, of the Public Integrity Council to support the assessment of ethical and integrity standards for judges and judicial candidates; (c) the establishment of the Commission for the Review of Appeals on Improper Performance of Duties by a Prosecutor Holding an Administrative Position; and (d) the issuance of Resolution No. 244 of 18 March 2024, enabling the entry into force of legislation ensuring a transparent and merit-based process for selecting senior prosecutors. While acknowledging these measures, the Committee remains concerned about the absence of information on their concrete impact, for instance on whether these reforms, in practice, guarantee the full independence and impartiality of judges, as well as the independence and effective autonomy of prosecutors. The Committee encourages the State Party to continue strengthening these reforms and to ensure, in practice, the full independence and impartiality of judges and the independence and effective autonomy of prosecutors, free from any external influence.

#### **Paragraph 48: Freedom of expression**

**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.**

### **Summary of the information received from the State Party**

On 31 March 2023, Law No. 2849-IX on the media entered into force. It is aimed at ensuring the exercise of the rights to freedom of expression and to receive comprehensive, reliable and timely information. It also aims to ensure pluralism of opinions and free dissemination of information, to protect the national interests of Ukraine and the rights of users of media services, to regulate media activities in accordance with the principles of transparency, fairness and no bias, and to stimulate a competitive environment, equality and the independence of the media. Article 4 provides for freedom of activity in the media, specifically the principles of freedom of expression, the prohibition of censorship and the protection of persons from interference in their personal and family life.

The amendments introduced by Law No. 2849-IX – together with Law No. 540/97-VR on State support of the media, guarantees of professional activity and social protection of journalists – guarantee the rights of journalists, including the right to make recordings, visit public premises and collect information in disaster areas, subject to their proper identification. Journalists must protect sources unless legally required to disclose them. They can disseminate materials, waive authorship of such material if its content when edited is contrary to their beliefs, and access statistical, archival, library and museum collections, with restrictions only for safety reasons. They should be received by public officials within reasonable time frames.

In October 2024, a law amending article 15 of Law No. 540/97-VR was adopted by the parliament. It provides for the obligation of media entities to provide life, health and work capacity insurance for journalists and other employees against accidents, in accordance with the top level of insurance.

In order to address intimidation of and attacks against journalists, in 2023 the National Police initiated investigations into 75 criminal offences committed against media representatives. Between January and October 2024, the National Police initiated investigations into another 49 such offences. All initiated investigations are based on the Criminal Code. The State Party provides details of the status of the investigations into the murders of the three journalists, Oles Buzina, Pavel Sheremet and Vadym Komarov. The National Police is working with the journalistic community to gather information regarding violations of the rights of journalists. The police forces take into account the recommendations of the Council of Europe.

The non-governmental organization Reporters sans frontières international/Reporters without Borders International has published the 2024 World Press Freedom Index, which includes 180 countries. According to that index, Ukraine is ranked sixty-first in the world, having risen 18 positions over the year.

### **Summary of the information received from stakeholders**

All three submissions from non-governmental organizations describe a consistent pattern of interference with freedom of expression and the use of national security-based restrictions that are incompatible with article 19 of the Covenant. Connection e.V. reports that defenders promoting conscientious objection and peace have faced criminalization of speech, including arrests and charges under provisions such as article 114.1 of the Criminal Code, with the case of Yuri Sheliazhenko illustrating intrusive searches, seizure of devices and prolonged house arrest based on a peace statement later shown not to meet the cited criminal threshold. Submissions from the Public Institution for Human Rights and the Cherkasy and Kaniv Eparchy of the Ukrainian Orthodox Church describe similar pressure on journalists, lawyers and human rights defenders working on cases related to the Ukrainian Orthodox Church, including the prosecutions of journalist Dmytro Skvortsov and lawyer Svitlana Novytska, alongside broader patterns of intimidation, raids and surveillance justified through national security or anti-extremism provisions such as article 436.2 of the Criminal Code.

The submissions also highlight failures to investigate violence, notably during the 17 October 2024 seizure of the cathedral in Cherkasy, while those documenting or resisting such actions were themselves prosecuted. Collectively, the submissions report on inadequate protection of defenders and journalists, insufficient investigations and the use of vague security offences to suppress dissent.

**Committee's evaluation**

[C]

While welcoming the information provided by the State Party regarding measures taken to protect freedom of expression and to safeguard journalists, including the entry into force of Law No. 2849-IX on the media and amendments to Law No. 540/97-VR on State support of the media, guarantees of professional activity and social protection of journalists, the Committee nevertheless notes with concern information from civil society organizations indicating a persistent pattern of unjustified interference with freedom of expression. The Committee is concerned about the allegations, including the alleged criminalization of peaceful advocacy, intimidation, raids and surveillance, and the use of broadly framed national security provisions, such as articles 114.1 and 436.2 of the Criminal Code, to restrict legitimate expression. The Committee is particularly concerned by documented cases such as those of Yuriy Sheliashenko, Dmytro Skvortsov and Svitlana Novytska, which suggest that human rights defenders, journalists and lawyers may face prosecution or detention in retaliation for their professional activities. It notes with concern the absence of effective investigations into acts of violence, including the violent seizure of the cathedral in Cherkasy on 17 October 2024, while individuals attempting to document or challenge those acts were reportedly subjected to criminal proceedings rather than afforded protection. The Committee reiterates its recommendations and urges the State Party to ensure that any restriction on freedom of expression on national security grounds fully complies with the strict requirements of article 19 of the Covenant and the Committee's general comment No. 34 (2011).

**Recommended action:** A letter should be sent informing the State Party of the discontinuation of the follow-up procedure. The information requested should be included in the State Party's next periodic report.

**Next periodic report due:** 2028 (country review in 2029, in accordance with the predictable review cycle).

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