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Overview

Mr Mykola Maimeskul, Permanent Representative of Ukraine to the United Nations Office at Geneva, and Mr Yevhen, First Deputy Minister of the Ministry of Justice, headed the delegation of Ukraine. The opening presentation took approximately 40 minutes and was followed by an interactive dialogue during which 26 States made comments, recommendations, and statements.

During his presentation, Mr Korniychuk addressed legislative initiatives taken at national level including measures for improving correctional institutions, tackling HIV/AIDS and tuberculosis, combating torture, and increasing co-operation with mass media and non-governmental organisations (NGOs). He also informed the Working Group of reforms such as the Bill on Changes to certain legislative acts, which is primarily concerned with the judiciary, minorities, xenophobia, anti-Semitism, racism, and violence against women and children. With regard to the last issue, Mr Korniychuk highlighted its complexity, in particular the intricate societal and familial issues involved in dealing with domestic violence.

During the interactive dialogue many States actively referred to the three documents provided for the review: the State report, the compilation of United Nations (UN) information,¹ and the summary of stakeholders'

¹ Algeria, Azerbaijan, Italy, United Kingdom, Russian Federation, Belgium, Austria, Canada, Slovenia, Netherlands, Brazil, Germany, Mexico, Switzerland, Romania, Portugal, Cameroon.

information.² The general consensus was that Ukraine was to be commended on the comprehensiveness of its report and its high level of commitment to human rights.³ Ukraine's ratification of most of the core international human rights treaties,⁴ its efforts to improve the national legislative framework, the increased involvement of civil society in government work, and its co-operation with special procedures were given as examples of the latter. Among the many recommendations made were the signing and ratification of various international instruments, including the *Convention on the Rights of Persons with Disabilities* (CRPD),⁵ the *Rome Statute of the International Criminal Court*,⁶ and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (CMW).⁷

Many issues that were raised during the interactive dialogue received comprehensive oral responses. However, Ukraine failed to respond to questions on the functioning of new institutions and mechanisms,⁸ the labour market and employment legislation,⁹ and mediation centres and decisions made by mediators.¹⁰ Further issues addressed during the interactive dialogue included:

- punishment of human rights offenders;¹¹
- independence of the judiciary and combating corruption;¹²
- conditions of detention and prison reform;¹³
- women and children's rights;¹⁴
- human trafficking;¹⁵
- violence against women;¹⁶
- violence against children;¹⁷
- prevention of discrimination;¹⁸
- treatment of minorities;¹⁹
- fight against racism;²⁰
- migrant workers, asylum seekers and refugees;²¹
- homophobia;²²
- poverty;²³
- human rights education.²⁴

² Poland, Algeria, Azerbaijan, Italy, Tunisia, United Kingdom, Russian Federation, Belgium, Austria, Canada, United States, Slovenia, France, Netherlands, Turkey, China, Brazil, Germany, Malaysia, Mexico, Cuba, Switzerland, Romania, Jordan, Portugal, Cameroon.

³ Poland, Italy, United Kingdom, Russian Federation, Belgium, Austria, United States, Slovenia, Netherlands, Turkey, China, Germany, Mexico, Cuba, Romania, Jordan, Portugal, Cameroon.

⁴ Algeria, Azerbaijan, Canada, Mexico, Jordan.

⁵ France.

⁶ Austria, Mexico, Portugal.

⁷ Azerbaijan, Portugal, Mexico.

⁸ Poland.

⁹ Algeria, Azerbaijan, Slovenia.

¹⁰ Tunisia.

¹¹ Algeria, United Kingdom, France.

¹² Austria.

¹³ Italy, United Kingdom, Russian Federation, Canada, United States, Netherlands, Mexico, Portugal.

¹⁴ Poland, Italy, Slovenia, China, Brazil, Malaysia, Jordan.

¹⁵ Algeria, Azerbaijan, Italy, Austria, Canada, Brazil

¹⁶ Azerbaijan, Canada, China, Brazil.

¹⁷ Azerbaijan, Italy, China, Brazil.

¹⁸ Algeria, Cameroon.

¹⁹ United Kingdom, Russian Federation, Belgium, France, Romania.

²⁰ Poland, United Kingdom, Belgium, Canada, Netherlands, Turkey, Brazil, Germany, Cuba, Switzerland, Romania, Portugal.

²¹ United States, Mexico, Cameroon.

²² Slovenia, Turkey.

²³ China.

²⁴ Italy, Slovenia, Switzerland.

At the end of the review, Mr Korniychuk stated that he could not answer all the questions that had been raised, as some were very technical. However, he assured the Working Group that all information that had been requested would be provided immediately upon his return to Ukraine. He also affirmed that Ukraine has no objections to acceding to conventions that it has not yet signed. Furthermore, he assured the Working Group that all its questions will be reflected in practical actions taken by the Government, including the adoption and amendment of relevant legislation.

General information on Ukraine

Membership of the Human Rights Council

Ukraine is a member of the Human Rights Council (the Council) from 2006 to 2008.

Members of the troika

Republic of Korea, Russian Federation, Guatemala.²⁵

National consultation

In the preparation of the State report, the Ministry of Foreign Affairs directed inquiries to the Ukrainian Helsinki Human Rights Union (UHHRU)²⁶ and the Ombudsman, the Ukrainian Parliament Commissioner for Human Rights (UPCHR). The responses to these were taken into account in the drafting of the report. However, it is not detailed in the report how these enquiries were conducted. Issues raised by Amnesty International also shaped the report.

Information submitted to the Working Group

State report²⁷

The national report was prepared by the Ministry of Foreign Affairs on the basis of documents provided by various departments concerned with a wide range of issues.²⁸ The report addresses many areas, highlighting the improvements made in specific areas as well as the problems faced by Ukraine in each area. The report is divided into two sections and commences by presenting the normative and institutional framework. It then focuses on social and economic issues in the country.

The report stipulates that Ukraine is a party to most of the international human rights treaties, in particular those within the UN system, and offers full co-operation in this regard. In addition, Ukrainian national legislation is based on international legal documents. Many initiatives related to discrimination, xenophobia and intolerance are highlighted in the report. In the social and economic sphere, there have been many improvements in addressing issues related to children, women, poverty, labour, and HIV/AIDS. The report also outlines the continuing problems faced in all of these areas. According to the State report, 20,000 teenagers enter orphanages annually for various reasons, leaving them vulnerable to prostitution and

25 Regional groups selected: Asian Group, Group of Latin American and Caribbean Countries (GRULAC), Eastern European Group (EEG). There were no objections by Ukraine or by the members of the troika to the selection. For a full summary of the selection of troikas, see www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf.

26 The Ukrainian Helsinki Human Rights Union (UHHRU) is an all-Ukrainian association founded by 15 public human rights organisations. It has been a member of the International Helsinki Federation for Human Rights since November 2006.

27 A/HRC/WG.6/2/UKR/1, 9 April 2008, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CUASession2.aspx.

28 Ministry of Justice, Ministry of Internal Affairs, Ministry of Labour and Social Policy, Ministry of Health, Ministry of Education and Science, Ministry of Family, Youth and Sport, State Committee on Nationalities and Religion, General Prosecutor's Office.

pornography. The report also addresses problems related to gender equality. As a result of difficulties in implementation, many women still suffer from active discrimination.

Official UN documents

The compilation of official UN documents by the Office of the High Commissioner for Human Rights (OHCHR) notes that Ukraine is a party to most of the core international human rights instruments.²⁹ It is also party to other human rights instruments,³⁰ and has been urged by various bodies inter alia, CESCR, CRC, Special Rapporteur on the sale of children, child prostitution and child pornography and UNHCR, to become party to those outstanding.³¹ The compiled report addresses many issues concerning Ukraine's constitutional and legislative framework, as well as its institutional and human rights infrastructure. It also addresses several thematic issues, including discrimination, minority and indigenous issues, penal and judicial matters, and the protection of the rights of women and children in legislation and in practice.

The Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights noted that comprehensive legislation regarding the right to a safe environment has been introduced, but proper enforcement is essential. With regard to the protection of children, UNICEF informed on the Presidential Decree declaring 2008 'Year of Support for National Adoption and Other Forms of Family Education of Orphaned Children and Children Deprived of Parental Care' and the 2004 decrees concerning minors and criminal activity. CESCR expressed concern about the lack of independence of the Ombudsman, the Ukrainian Parliament Commission for Human Rights, and its resulting ineffectiveness in defending social and cultural rights. Moreover, CESCR and CAT recommended that the independence of this institution be ensured through the provision of adequate funding by Ukraine. Furthermore, public access to the Ombudsman, including by monitoring groups, should be widened according to CERD.

Other relevant stakeholders

The summary prepared by the OHCHR contains information provided by 11 stakeholders. The Ukrainian Parliament Commissioner for Human Rights (UPCHR), the Ombudsman, has noted that in 2006 the President approved two decrees addressing the improvement of the judiciary and ensuring fair trial, and formation of a system of free legal aid. Neither has been implemented.³² The UHHRU noted that the Ombudsman's Secretariat does not maintain a register of complaints. Moreover, according to Donetsk Memorial, many of the complaints are automatically sent to the alleged perpetrators of the violations.

²⁹ Core universal human rights treaties to which Ukraine is a party: *International Convention on the Elimination of all forms of Racial Discrimination (ICERD)*, *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, *International Covenant on Civil and Political Rights (ICCPR)*, *Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1)*, *Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2)*, *Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)*, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW)*, *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)*, *Convention on the Rights of the Child (CRC)*, *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)*, *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC)*.

³⁰ Other human rights treaties Ukraine is party to are *Convention on the Prevention and Punishment of the Crime of Genocide*, *Palermo Protocol*, *Refugees and Stateless Persons*, *Geneva Conventions*, *ILO Fundamental Conventions*, *UNESCO Convention against Discrimination in Education*.

³¹ *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)*, *Convention on the Rights of Persons with Disabilities*, *Optional Protocol to the Convention on the Rights of Persons with Disabilities*, *Convention for the Protection of All Persons from Enforced Disappearances*, *Rome Statute of the International Criminal Court*, *CIS agreement on the Cooperation in Solving problems of Disability and Persons with Disabilities*, *outstanding ILO Conventions*, *Hague Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoptions*, *Convention relating to the Status of Stateless Persons*, *Convention on the Reduction of Statelessness*.

³² It is also noted that Ukraine has not ratified the *Rome Statute of the International Criminal Court* or the *Convention for the Protection of all Persons from Forced Disappearances*.

The Kharkiv Human Rights Group stipulates that there is no definition of either direct or indirect discrimination in legislation, and that the definition of torture in the criminal code does not fully reflect that of the *Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment* (CAT). Furthermore, UPCHR submitted that trafficking remains prevalent in Ukraine, including the trafficking of children is through international adoptions.³³

Other areas of concern addressed by the stakeholders include health, in particular care for those with HIV/AIDS,³⁴ gender equality in employment,³⁵ a growing trend of anti-Semitic behaviour,³⁶ prejudice based on sexual orientation,³⁷ discrimination and racial intolerance towards minorities,³⁸ corruption within the judiciary,³⁹ and the lack of transparency in the election of judges.⁴⁰

Interactive dialogue⁴¹

Presentation by the State

Mr Yevhen Korniychuk began by commending the work of the Council and the treaty bodies in enhancing respect for and implementation of human rights. He added that Ukraine has always supported reforms and sees the Council as one of the most important achievements of the 2005 World Summit.⁴² He went on to state that one of the key priorities for Ukraine is to continue working on implementing and complying with international obligations.

Addressing national legislative initiatives, Mr Korniychuk highlighted reforms of correctional institutions and noted that the 2003 Criminal Code provides for new forms of punishment. He also explained that as a result of a review of State policy in the execution of sentences, Ukraine has seen a significant reduction in the number of detainees. Furthermore, there is a five-year programme for improving detention conditions for convicts, which began in 2006. Mr Korniychuk continued by stressing that measures have been adopted to improve the treatment of detainees, including the elimination of torture. Mr Korniychuk highlighted that the definition of torture is in line with that contained in CAT. Mr Korniychuk went on to explain that cooperation between the Government and the mass media and NGOs is improving, particularly with regard to detention centres and the treatment of detainees.

Turning to health issues, Mr Korniychuk said that Ukraine is improving methodologies for the treatment of tuberculosis and HIV, as recommended by the World Health Organization (WHO). Moreover, as a result of improvements in medical and sanitation conditions, there has been a significant decrease in mortality rate.

In addressing the issue of racism and racial discrimination, Mr Korniychuk admitted that violence on racial grounds is growing. However, he maintained that Ukraine is ‘staunchly’ fighting this phenomenon. He further

³³ Ukrainian Parliament Commissioner for Human Rights (UPCHR).

³⁴ Human Rights Watch.

³⁵ Human Rights Watch

³⁶ Amnesty International, Council of Europe Court of Human Rights.

³⁷ Nash Mir (Our World) Gay and Lesbian Center (NMGLC).

³⁸ UHHRU.

³⁹ Council of Europe Court of Human Rights.

⁴⁰ UHHRU.

⁴¹ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group ‘webcast’ are available at www.un.org/webcast/unhrc/index.asp.

⁴² At this Summit, the General Assembly decided, *inter alia*, to establish the UN Human Rights Council.

stipulated that racial intolerance and related crimes are neither systemic nor regular, and are not tolerated when they occur.

Mr Korniychuk admitted that legislation concerning cooperation between the State and the non-governmental sector is outdated compared to international norms, and acknowledged that there must be full cooperation between the two. He announced that a new bill has been drafted to ensure that national legislation corresponds to the Constitution and international standards, in particular the *International Covenant on Civil and Political Rights* (ICCPR), which is the cornerstone for the functioning of NGOs in Europe.

Mr Korniychuk also presented Ukraine's efforts in combating violence against women and children. He stated that this requires joint efforts by the international community. He underlined the complex nature of the issue, including the involvement required at the social, legal, and political levels. He provided examples of initiatives undertaken at the societal level, including restrictions on scenes of domestic violence on television, the coordination of councils on prevention, the provision of a network of crisis centres, treatment for victims, training courses to prevent violence within the family, and the establishment of a national service for victims of violence. At the legal level he noted that various legal procedures are in development, including the provision of appropriate care for those with psychological problems who commit violence and the provision of particular protection for young people. He also explained that teachers undergo special training for spotting and reporting violence and informing children of their rights.

Table on the interactive dialogue

Country	Positive comments	Critical comments	Questions	Recommendations <small>(including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)</small>	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
Poland	Recognise the efforts of Ukraine to comply with international standards and combat challenges including in the areas of racism and gender equality.	Despite the efforts made the Ukraine is still facing certain challenges.	More information is required on the functioning of various institutions and mechanisms.		State report	
Algeria	Commend Ukraine for addressing national will toward the promotion, protection and upholding of human rights.		What can Ukraine do to address labour market concerns?	Punish human rights offenders of women’s rights; Formulate a State policy for the advancement of human rights and prevention of discrimination; Establish an advisory council to combat discrimination and advise on human rights policy.	Human Rights Committee and others remarked on the law on trafficking and punishment of offenders. Commend Government for taking these steps. Human Rights Committee. State Report, UN Compilation	
Azerbaijan	Appreciate the standing invitation to Special Procedures, as well as the efforts made to improve		How will you tackle the high unemployment rate? Ukraine is a high recipient of migrant		Referred to information from all sources. CEDAW, CESCR. In the field of	Status of women and equality: in 2005, a social council was established with the

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	legislative framework, in particular the attention given to the protection of women and children. Welcome efforts domestic violence, trafficking etc.		workers. Will Ukraine become party to the CMW? Why has it not done so yet?		women's rights, the Committee on the Elimination of Discrimination against women (CEDAW) and the Committee on Economic, Social and Cultural Rights (CESCR) note high unemployment amongst women; Note that CESCR recommends amending the criminal code	involvement of 20 NGOs, law enforcement personnel, and UHHRU. Ukraine has established such councils across the country and more than 120 representatives work in these. Migrant workers and refugees: concept is being developed for governing legislation. As part of the drafting process, a more liberal approach will be taken. Ukraine is working to implement migration law properly.
Italy	Commend efforts undertaken to ensure the protection of the rights of the child.	Fight against trafficking of children is intensifying, but problem persists.	Further elaborate on the problems that continue to exist in relation to human trafficking.	Recommend that Ukraine continue to effectively address the protection of the rights of the child in the areas of	Referred to all sources of information. Human Rights Committee, Committee against	Violence against, and trafficking of, women and children: See Azerbaijan. In 2006 amendments

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				<p>trafficking, prostitution, pornography, and labour.</p> <p>Recommend the creation of a national programme for human rights education in school systems, including the review and revision of curricula and textbooks, training of teachers, and the practice of human rights in the school community</p>	<p>Torture (CAT), and Committee on the Rights of the Child (CRC) welcomed measures taken to combat trafficking of women.</p> <p>Since 2005 Ministry of Interior has established mobile groups for monitoring respect of constitutional rights and freedoms in prisons. But 2007 CAT expressed concern about acts committed and impunity.</p> <p>Recommend safety and protection against ill-treatment of prisoners, establish independent complaints system.</p>	<p>were made to the Trafficking in Persons Code, expanding the definition of illegal actions concerning State programmes. A programme to combat trafficking is in place until 2010. Annual increase in trafficking, 700 cases identified last year, 800 children returned to their homes and 39 crime units stopped. Ministry for Family Youth and Sport, Ministry of the Interior and Ministry of Justice all involved.</p> <p>Children’s rights: Establishing Ombudsman on Rights for Children. Constitution provides for one office for all categories of citizens; however,</p>

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
						Ukraine is establishing a specific unit for children's rights. Will open representative offices across Ukraine.
Tunisia	Ukraine continues to make considerable contributions to human rights. Welcome the introduction of a mediator, the strengthening of mediation, and opening of offices throughout the country.		More information requested on decisions made by the mediator.		State report	
United Kingdom	Welcome improvement in situation of human rights, especially freedom of speech and democratic practice. Welcome Government's condemnation of racism. Grateful for	Criticise reluctance among some officials to recognise acts of racism, as well as failure to distinguish between racism and hooliganism. Remind Ukraine that the case of Georgiy Gongadze is not yet closed.	What steps does Ukraine plan to take to ensure greater independence of the judiciary and to combat corruption in the judiciary and the executive?	To encourage Ukraine to mainstream the combating racism through departments and policy making. Undertake further work concerning independence of the judiciary and	State Report, CAT CAT Recommend setting up of oversight mechanism to monitor places of detention.	

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>comprehensive answers posed in advance – HIV/AIDS, racism, Crimean Tatars. Welcome involvement of civil society organisations in preparing report, and the increasing involvement of human rights groups in Government work. Welcome sentencing of police officers found guilty of the murder of journalist Georgiy Gongadze.</p>			<p>addressing corruption of the judiciary.</p>		
<p>Russian Federation</p>	<p>Note that the Government is addressing the particular problems related to the transitional period.</p>			<p>Urge full compliance with national legislation and international human rights⁴³ to ensure the unhindered use of Russian by the Russian-speaking population. Also</p>	<p>State Report, OHCHR, ICCPR</p>	<p>Russian: Ukraine has introduced measures ensuring books, television, and radio are available in Russian. Training in Russian language and culture is offered. Ukraine applies the</p>

⁴³ Note that the full, revised recommendation is available in report A/HRC/8/45/UKR Addendum 1, recommendation 28.

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				<p>recommend that Russian be made an official language in Ukraine.</p> <p>Recommend the development of a programme for the improvement of detention conditions, in particular to reduce the prisoner mortality rate.</p>		<p>same principle as the Russian Federation: many ethnic groups, one language.</p> <p>Joint monitoring with Romania on the rights of Russian minorities has been successful.</p>
Belgium	<p>Welcome Government Act of 2007, related to racism.</p>	<p>Cases of discrimination and intolerance against minorities. Concerned by the trend of attacks based on racism or xenophobia.</p>	<p>What have been the most effective measures that have been used recently in combating racism?</p>	<p>Recommend that Ukraine step up its fight against racism, including through implementing the recommendations by the Committee on the Elimination of Racial Discrimination (CERD) and CEDAW.</p>		<p>Eliminating racism: Within Ukrainian legislation and Constitution there are clear regulations addressing this issue. The Government, in cooperation with many NGOs, has developed normative and legal bases for eliminating racism, xenophobia, and related intolerance. There is a wide-scale effort within national institutions to</p>

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
						address these problems. An inter-agency working commission is working on the elaboration of steps to combat racism – focus is on education and preventive work.
Austria	Commend Ukraine’s cooperation with special procedures.	Ukraine has yet to ratify the <i>Rome Statute</i> . Corruption within the judiciary remains a problem. A juvenile justice system is imperative for the protection of juveniles.	What provisions are there for victims of trafficking?	Recommend the ratification of the Rome Statute. Recommend implementation of a juvenile justice system, as well as recommendations of various treaty bodies. Training-awareness should be made available for law enforcement officials protecting victims of trafficking.	UN Compilation Several treaty bodies concerned about high numbers of human trafficking victims note that legislation is improving	Violence against, and trafficking of, women and children: See Italy. Ratification of the Rome Statute: Ukraine has always supported the idea of establishing the International Criminal Court (ICC); it actively participated in the drafting of the <i>Rome Statute</i> and signed it. Now, national legislation needs to be amended to allow for ratification.
Canada	Commend laws on trafficking.	Concerned about reports of increasing		Recommend that Ukraine combat	Recommend that Ukraine take	Violence against, and trafficking of,

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>Note legal reforms to criminal justice systems and efforts to improve prison conditions. Also note efforts taken to provide alternative sanctions and rehabilitation. Note adoption of 2006 Domestic Violence Act and the establishment of rehabilitation centres.</p>	<p>racist acts and violence against women.</p>		<p>xenophobia, racism, and religious intolerance and prosecute perpetrators of these offences. Recommend that Ukraine implement CAT, Human Rights Committee and CDESCR recommendations on prison conditions</p>	<p>measures in line with CDESCR recommendations, set up services for victims. Recommend that Ukraine implement CAT, Human Rights Committee, CDESCR recommendations.</p>	<p>women and children: See Italy.</p>
<p>United States</p>		<p>Lack of an asylum authority causes difficulties for asylum seekers and refugee applicants. The lack of documents leaves individuals open to police harassment and unable to legally work. There have been reports of <i>refoulement</i> of asylum seekers from Chechnya, Sri Lanka, and</p>	<p>What steps has Ukraine taken to reduce pre-detention time? How long can an individual be held before trial? Need more information on measures in response to the mistreatment of prisoners.</p>	<p>Confessions obtained through torture or pressure should be made inadmissible in court proceedings. Recommend that a more orderly process be put in place for asylum seekers and refugees, and that the Government ensure that repatriations are conducted in line with guidelines of</p>	<p>UN Compilation</p>	<p>Migrant workers and refugees: See Azerbaijan. Treatment of prisoners: In April 2008, the President adopted a concept for the reform of the State security service, which includes many human rights guarantees. Close and productive cooperation with UN agencies and human</p>

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		Uzbekistan.		the Office of the UN High Commissioner for Refugees (UNHCR).		rights consultants to improve prison conditions. Major resources are being allocated for the protection of human rights. Probation and alternative sentences are being introduced. Deportation: the legality of the deportation of 11 illegal Sri Lankan immigrants is currently being studied by a national working group.
Slovenia	Commend Ukraine for the considerable improvement of its situation of human rights over the last three years, in particular the abolishment of the death penalty in 1999.		What measures does the Government intend to take to ensure women’s equal access to work? Homophobia has increased – how does the Govt intend to promote tolerance? Does it intend to increase education of public servants?	Urge Ukraine to report regularly to CEDAW, recruit more women for public office, and adopt legislation requiring equal pay for equal work. Include a gender perspective in the follow-up to the UPR. Consider applying	2002 CEDAW noted that the Convention is incorporated in Ukrainian law.	

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				the <i>Yogyakarta Principles</i> in policy development.		
France			Does Ukraine intend to adapt its criminal legislation to include the crime of discrimination against minorities? Does Ukraine intend to ratify the <i>International Convention for the Protection of All Persons from Enforced Disappearances</i> ?	Greater independence of the media through increased public financing is encouraged. Measures must be taken to combat and prosecute violence against journalists.	UN Compilation	
Netherlands	Commend Ukraine for commitment to UPR and achievements in human rights, especially with regard to freedom of the press. Welcome efforts being made to address violent cases of racism and xenophobia.	Despite progress made, torture and ill-treatment have been reported.		Recommend that Ukraine take further measures to ensure that law enforcement officials, prosecutors, and judges fully understand the nature of crimes based on racism and xenophobia, and that statistics	CAT, CRC, Human Rights Committee, UN Compilation, Council of Europe CAT, CRC, Human Rights Committee expressed concerns about torture. Council of Europe and others are ready to assist Ukraine to improve the situation.	

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				<p>are kept centrally and are publicised. Recommend that Ukraine take further steps to ensure that detention conditions are in accordance with international standards.</p>	<p>Violent cases of racism and xenophobia. - CAT requested public condemnation of such acts.</p>	
<p>Turkey</p>	<p>Commend Ukraine for bringing national legislation in line with international norms. Commend reaffirmed commitment to combat racist acts, in particular the adoption of a national plan.</p>		<p>Need more information on the work of the Ombudsman in Crimean and Tartar areas. Are there any planned reforms in the penal legislation?</p>		<p>State Report</p>	<p>Independence of the judiciary: Ukraine has established a basic civilian body responsible for investigating corruption. Draft bills designed to strip the judiciary of immunity have been prepared, and the Ministry of Justice monitors new bills. Amendments have been made to the law on the status of judges. Discrimination against Crimean Tartars: the</p>

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						Ombudsman has carried out comprehensive observance and 15 decrees have been adopted on, for example, the improvement of access to water and gas supplies.
China	Welcome amendments to laws on immigration and criminal procedures. Note commitment to protection of children, raising status of women, combating domestic violence, and poverty alleviation.		How is the 2001 national strategy on overcoming poverty being implemented? What are the difficulties and challenges being encountered at this stage?		State Report	
Brazil	Congratulates Ukraine on the signing of the 2005 <i>Action Plan Against Racism</i> by a UN representative and the Ombudsman.		What measures are being taken for protection of individuals from all forms of family violence and human trafficking? What steps are being taken to prevent such	CRC The number of orphans is not declining – CRC recommendations should be implemented.		Violence against, and trafficking of, women and children: See Italy.

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			violence and trafficking?			
Germany	Acknowledge the great efforts that have been made to improve the situation of human rights in Ukraine.		What measures have been taken to ensure the independence of the Ombudsman? Apart from the creation of Government structures, how do you ensure that cases of racial and religious hatred are investigated quickly and promptly?	Ensure the financial independence of the Ombudsman. Continue to combat ethnic and racial hatred, and ensure that instances of violence based on these grounds are promptly investigated.	UN Compilation, CMW, CESCR Concerns expressed by various treaty bodies. Reported lack of independence of Ukrainian Parliamentary Commissioner's Office.	
Malaysia	Note emphasis on HIV/AIDS. Note the significant decline in juvenile crime.		Would be interested to hear of further measures being taken to facilitate patient access to HIV/AIDS medication. Is the Government considering the establishment of a juvenile justice system in the near future?			
Mexico	Congratulate Ukraine on its ratification of various human rights		What measures have been taken to date to address the issues of	Recommend that Ukraine redouble its efforts to bring about	State Report, UN Compilation. CAT concern of	Migrant workers and refugees: See Azerbaijan.

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	instruments and its co-operation with the special procedures. Commend legislation in force against torture.		torture and ill-treatment, as well as rehabilitation and compensation? What measures have been undertaken in relation to HIV/AIDS?	a prompt ratification of Rome Statute , CMW, 1954 <i>Convention Relating to the Status of Stateless Persons</i> , 1961 <i>Convention on the Reduction of Statelessness</i> . Recommend that the registration of refugees and Stateless persons be brought in line with international standards.	torture and ill-treatment, also on rehabilitation and compensation. Para 21. CESCR expressed concern that more than 400,000 children under 15 are working in informal economy. Para 31. CESCR recommended improvement. Treatment/prevention of HIV, combat discrimination against persons living with HIV/AIDS.	Ratification of the Rome Statute: See Austria.
Cuba	Praise worthy efforts in implementing affirmative action for women.		What measures have been taken to combat racism and xenophobia?	Recommend that the Government continue its work in combating racism and xenophobia. Recommends continuing efforts to reduce juvenile violence and address the root causes.	State Report	Eliminating Racism: See Belgium.

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
Switzerland	Recognise the Government's efforts in combating racism, torture, and ill-treatment. Welcome the <i>National Action Plan to Combat Racism</i> adopted in May 2008.		Request more information on the <i>National Action Plan to Combat Racism</i> . What measures have been taken to punish those who commit acts of torture? What is the scope of the education programme for officers?	Recommend that Ukraine step up its efforts to investigate and punish perpetrators of racist attacks.	All sources, CAT, Human Rights Committee. Impunity in cases of torture.	Eliminating Racism: See Belgium.
Romania	Note efforts in combating racial and ethnic crime.			Encourage minorities to run for office, either as independent candidates or as representatives of their particular groups.	All sources, CESCR. We encourage the authorities to implement CESCR recommendations.	
Jordan				Recommend that Ukraine continue its efforts to enhance the role of the Ombudsman and to further the advancement of women.	All sources	
Portugal		Note that the Ombudsman lacks	What measures are being taken to protect	Recommend that Ukraine sign and	All Sources, HRC, CAT, Racial and	Ratification of the Rome Statute: See

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
		independence.	individuals belonging to ethnic, racial, or linguistic minorities? What legal safeguards have been put in place to combat torture?	ratify the CRPD and ratify the Rome Statute.	ethnic hatred HRC noted this and anti-Semitism CAT – noted torture	Austria.
Cameroon	Appreciation for the participatory method adopted for the drafting of the report. Take note of measures on combating discrimination, efforts to bring national law in line with standards of the Council of Europe, and reform of the penitentiary system. Welcome measures taken in relation to refugees and immigrants following treaty body recommendations.				State report	

Adoption of the report [15 May 2008, 12:30]

Mr Carlos Ramiro Martinez Alvarado, Permanent Representative of Guatemala to the United Nations Office at Geneva, introduced the draft report on behalf of the Troika. He informed the Working Group that the report reflects the essence of the interactive dialogue, and thanked the Ukrainian delegation for its spirit of cooperation. In response, Ms Tetiana Kondratyuk, Deputy Minister of the Ministry for Family, Youth and Sport of Ukraine, thanked all the participants of the Working Group. She noted that 40 recommendations were received, most of which were accepted by Ukraine. These include recommendations concerning the prohibition of the use of evidence obtained under torture and the independence of the Ombudsman. In response to the recommendation that Ukraine ratify the *Rome Statute*, Ms Kondratyuk stated that the treaty has been duly signed and that national law will be brought in line with it as soon as possible. Ms Kondratyuk also drew attention to five recommendations which will be considered further and responded to during the June session of the Human Rights Council. She also mentioned three recommendations which were not accepted as they were in direct contradiction with the Constitution of Ukraine. In conclusion, Ms Kondratyuk assured the Working Group that Government will continue its endeavour to improve the situation of human rights in the country.

After these two statements, the Chairperson proposed the adoption of the report, with two weeks to make editorial changes. The report was duly adopted.

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