

Ukraine's review in the Working Group,
Tuesday 13 May 2008, 9.00 a.m – 12.00 pm
Overview of the Working Group session

The Troika

The Troika was composed of representatives from Republic of Korea, Russian Federation, and Guatemala. Only the Russian Federation took the floor during the interactive dialogue without mentioning being a Troika member.

Presentation by Ukraine

Speaking time: 37 minutes

Recognition of problems and/or concerns: existing legislation still behind on imprisonment; excessive length of criminal and civil court proceeding; racism and violence on racial grounds; lack of complaints because of the unawareness of the victims; need to establish a national service to provide assistance to victims of violence against women or children.

Achievements made: Improvement in detention conditions (adoption of a code in 2003 for new form of punishment, creation of a State Program in 2006); creation of programs for fighting tuberculosis and HIV/AIDS; reduction of death rate in pre-trial detention cells and improvement of conditions of pre-trial detention; establishment of national institutions to monitor prevention of torture; expert study to ensure that the legislation is in accordance with international obligations; reform of the criminal justice legislation (creation of a code on criminal minor offences); criminal code tackles racial discrimination; development of a national education system for children in their mother tongues (i.e. German), in order to protect and integrate the minorities; new national legislation for the freedom of association, to improve in particular the organisation of NGO's;

Answers to written questions: discrimination against minorities (Denmark); conditions of pre-trial detention (Denmark); racial discrimination and xenophobia (Germany, Netherlands, United Kingdom); torture (Netherlands); violence against women (Sweden), HIV/AIDS (United Kingdom).

Interactive dialogue

Number of countries that took the floor

26 States took the floor during the interactive dialogue; **18 members States of the Human Rights Council** (*Azerbaijan, Italy, United Kingdom, Russian Federation, Canada, Slovenia, France, Netherlands, China, Brazil, Germany, Malaysia, Mexico, Cuba, Switzerland, Romania, Jordan, Cameroon*); **8 non-member States** (*Poland, Algeria, Tunisia, Belgium, Austria, United States, Turkey, Portugal*).

Questions/issues raised

National Human Rights Institution – Poland (functioning); **Women's rights gender equality** - Bangladesh (unemployment), Slovenia (gender equality in access to employment, equal work and application of gender equality as a guide in policy development), *domestic violence* – (implementation of legislation); **Human trafficking** – Italy (especially women and children), Austria (protection of victims); **Prison conditions** – United States (improvement of detention facilities), Switzerland (mistreatment of police

personal), Portugal (safeguard of detainees); **International human rights bodies** – Azerbaijan (signature of the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families); Slovenia (report regularly to CEDAW), France (ratification of the International Convention for the Protection of Persons from Enforced Disappearances); **National institutions** – Azerbaijan (amendments of the Criminal Code), Tunisia (strengthening of UPCHR), Turkey (activity of the Ombudsman), Germany, Portugal (independence of Ombudsman), China (poverty program); **Independence of judiciary system** – United Kingdom, Austria; **Racial discrimination** – United Kingdom, Belgium, Turkey (amendments on the legislative framework), Cuba, Switzerland (action plan against racism); **Sexual orientation** – Slovenia (public servants for fighting homophobia); **Minorities** – France (legal basis), Romania (national elections for minorities), Portugal (protection from discrimination); **Freedom of expression**– France (freedom of press and independence of media); **HIV/AIDS** – Malaysia, **Torture** – Mexico, Italy, United Kingdom; **Rights of the Child** – Cuba (violence against children); **Human Rights education** – Switzerland; **Employment legislation** – Algeria; **Asylum seekers** – United States (refoulement); **Refugees** – Mexico.

Recommendations

Women's rights

- to persevere in punishing offenders of women's rights (**Algeria**)
- to set up a victim centre for violence against women (**Canada**)

National Institutions

- to ensure the independence of the Ukrainian Parliament Commissioner for Human Rights (**Germany**)
- to continue its efforts for enhancing the role of the Parliament Commissioner for Human Rights (**Jordan**)

HR Education

- to continue to enhance HR trainings for police officers (**Algeria**)
- to develop national strategy for HR education (**Italy**)

Racial discrimination

- to mainstream tackling racism throughout in its policymaking (**United Kingdom**)
- to intensify the fight against racism including women's representation and identity card for Roma (**Belgium**)
- to take measures for racial crimes and violations made by officials and judges and publish statistics on racist incidents (**Netherlands**)
- to ensure that racial discrimination is investigated (**Germany**)
- to intensify the efforts for investigating the racial violence and punish perpetrators (**Switzerland**)

Rights of the Child

- to continue to address effectively this issue, especially trafficking, labour and pornography (**Italy**)
- to implement the recommendations of the CRC (**Brazil**)

Conditions of detention

- to ensure the safety of all persons and an independent police complaint system (**Italy**)
- to improve the conditions of detention (**Russian Federation**)

- to take measures for implementing the recommendations of the CAT and the CICR, in order to improve the conditions of detention (**Canada**)
- to investigate the prison personal guilty of mistreatment on detainees (**United States**)
- to ensure that the conditions of detention are in accordance with international standards (**Netherlands**)

Independence of judiciary system

- to undertake further works to tackle corruption and ensure independence of judiciary system (**United Kingdom**)

Torture

- to make further progress for a mechanism for investigating torture (**United Kingdom**)
- to change its domestic laws to make confessions obtained under torture inadmissible as evidence in criminal court proceedings (**United States**)

International Instruments

- Ratification of the Rome Statute of the International Criminal Court (**Austria, Portugal, Mexico**)
- Ratification of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (**Mexico**)
- Ratification of Convention on the Rights of Persons with Disabilities and the OP thereto (**Portugal**)

Minorities

- to ensure the law enforcement practice and the access to information for the Russian speaking population (**Russian Federation**)
- to consider the Russian language as a national language (**Russian Federation**)
- to take measures to protect the rights of persons belonging to ethnic, religious, linguistic minorities (**Canada**)

Human trafficking

- to establish a special fund for victims of trafficking (**Austria**)

Refugees

- to provide a more orderly access for refugees and ensure that conditions of repatriations (**United States**)
- to bring the status of refugees in accordance with international standards (**Mexico**)

Questions/issues and recommendations on which Ukraine provided an answers

Status of women and equality; discrimination and trafficking of women; application of the convention on migrants; rights of children; sentence's application; independence of judiciary system and corruption; racial discrimination; access and teaching for Russian language; ratification of the status of International Criminal Court; racial violence; treatment in pre-trial detention centres; deportation and arrestment of journalists;

legislative amendments on domestic violence; discrimination of the Ombudsman and its activities.

Issues for follow-up

The criminal legislation will be reformed with the creation of a code on minor criminal offences covering also administrative violations. The delegation stressed also the fact that the freedom of association will be improved, in particular for the legalization of NGO's: a register will be kept by the Ministry of Justice and will be publicized on its website.

Ukraine argued that it will increase the budgetary of the fund of the program for trafficking persons launched in 2005.

The delegation ensured also its commitment to provide more information on the questions that had not been answered, including the issues of persons with disabilities and migrants.

States that made solely welcoming statements

All States asked questions/made recommendations

Human Rights mentioned during the review but on which the delegation did not give a response

Migrants; persons with disabilities (Portugal); Human Rights education (Switzerland)

Human Rights mentioned in the NGOs reports but not raised during the review

Indigenous Peoples (Crimean Tatars)

Speaking times

Overall duration of the review: 160 minutes

Of Japan: 60 minutes

Of other States:

- Member States: 3 minutes
- Non-member States: 2 minutes

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