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## **Report of the Working Group on the Universal Periodic Review\***

**Ukraine**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of Ukraine was held at the 5th meeting on 24 October 2012. The delegation of Ukraine was headed by Nazar Kulchytskyy, the Government Agent before the European Court of Human Rights, Ministry of Justice of Ukraine. At its 9th meeting held on 29 October 2012, the Working Group adopted the report on Ukraine.

2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Ukraine: Cameroon, Saudi Arabia and Ecuador.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Ukraine:

(a) A national report submitted and a written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/UKR/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/14/UKR/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/UKR/3 and Corr.1).

4. A list of questions prepared in advance by the Czech Republic, Denmark, Hungary, the Netherlands, Norway, Mexico, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Ukraine through the troika. These questions are available on the extranet of the universal periodic review (UPR).

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation stated that the national report was drafted in the spirit of openness involving public discussions and that it reflected the actions taken for the implementation of the recommendations of the first cycle of the UPR and progress documented in this respect. Among various steps taken to ensure human rights protection, the delegation highlighted the judicial reform, and the adoption of new anti-discrimination legislation and a comprehensive criminal procedure. All reforms had the common goal of promoting the principle of the rule of law and enhancing the guarantees of human rights protection.

6. The delegation reported on the launch of the criminal justice reform. In the framework of this reform, the new Code of Criminal Procedure and the Law on the Bar and Bar Associations were adopted and adoption of a draft Law on the Prosecutor's Office and reform of the judiciary are in progress.

7. The delegation explained that the new Criminal Procedure Code prescribed bail and home arrest as the main preventive measures, with detention as an extraordinary preventive measure. When examining requests on detention, the courts should verify the existence of well-founded reasons for detention, and when reviewing preventive measures, the courts should evaluate the persistence of the risks representing the grounds for detention and the

measures taken by the law-enforcement authorities to eliminate such risks. Thus, the above mentioned requirements were expected to resolve the problem of unreasoned and extensive detention and overcrowding in pretrial detention facilities.

8. As to the guarantees of a fair trial, the new Code would effectively regulate the procedure for obtaining evidence in proceedings. Furthermore, the institution of an investigative judge was introduced to exercise judicial control over pretrial investigations.

9. The delegation stated that according to the new Code, evidence should be considered inadmissible, if obtained, *inter alia*, as a result of torture, cruel, inhuman or degrading treatment or threats of such treatment, with violation of the person's right to defence. The provisions on admissibility of evidence were considered important since in most cases, law-enforcement authorities violated human rights in order to obtain evidence that would subsequently be used during proceedings.

10. The delegation stated that the new Code would also resolve the problem of ineffective investigation into complaints of ill-treatment and deprivation of life. According to the European Court of Human Rights, the main reason for ineffective investigation is conflict of interest, since the Prosecutor's Office serve as investigative, controlling and prosecuting body. Under the new Code, the Prosecutor's Office would be the investigative body only in cases concerning judges, high-ranking officials and law-enforcement officers. In addition, law-enforcement bodies are obliged to register cases and initiate the investigation as soon as a complaint is received. The delegation expressed its belief that those provisions would eliminate conflict of interest and increase the effectiveness of investigations into complaints of ill-treatment and deprivation of life.

11. The delegation reported on the judicial reform which was launched by the adoption of the Law on the Judicial System and Status of Judges. Subsequently, a set of laws was adopted with the aim of improving the judicial system and administration of justice. Once the reform is completed, judges would be selected through a transparent and competitive process that includes a qualification examination. The composition of the High Council of Justice, empowered to impose disciplinary sanctions and to dismiss judges, was reformed to guarantee judicial independence. Of the 18 members of the Council, 11 must be judges. Prosecutors, who are the members of the Council, cannot initiate disciplinary proceedings against a judge on cases to which the Prosecutor's Office is a party.

12. The delegation stated that a Law on Legal Aid was adopted in 2011, which defines the grounds and procedures for granting legal aid. Until the end of 2012, there would be 27 centres providing free legal aid in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol. The Government plans to set up an additional 67 centres throughout the country over the next two years.

13. The delegation also reported on the progress made in establishing the national preventive mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) by amending the Law on the Parliamentary Human Rights Commissioner and creating a legal basis for the Ombudsman Plus model of the national preventive mechanism. As a result of those amendments, a special department within the structure of the Ombudsman's Office was established and an Ombudsman representative on this issue was designated. Additionally, an action plan for the effective functioning of the national preventive mechanism was developed in 2012.

14. The delegation stated that all the reforms mentioned, that were carried out over the past years, had the common goal of promoting the rule of law and ensuring that human rights violations would not remain unpunished.

## **B. Interactive dialogue and responses by the State under review**

15. During the interactive dialogue, 57 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

16. Malaysia welcomed Ukraine's cooperation with international human rights mechanisms including the United Nations treaty bodies and special procedures. It encouraged the Government to continue implementing its 2009-2016 National Plan of Action for the promotion of children's rights. It lauded the introduction of human rights as a mandatory subject in the curriculum, as early as primary education. Malaysia made recommendations.

17. Mexico recognized Ukraine's efforts to eradicate trafficking in persons and the fight against corruption in the judicial system. It acknowledged efforts to improve the law on refugees and those in need of protection. Nevertheless, it remained concerned about cases involving refugee return without an evaluation of their need for international protection. Mexico made recommendations.

18. Morocco commended the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, as well as the adoption in 2011 of a National Plan of Action. Morocco inquired about the draft law to combat discrimination. With regard to the high rate of mortality due to HIV, Morocco inquired about measures taken to improve health conditions in detention. Morocco made a recommendation.

19. The Netherlands observed that Ukraine has signed, but has not yet ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence. It welcomed the letter by the Ombudsman recalling draft law No. 8711, as the law might lead to excessive restrictions on freedom of expression. The Netherlands made recommendations.

20. Nicaragua commended the draft framework law on discrimination, which was being examined by Parliament considering it would be a step forward for Ukraine, particularly if it criminalizes acts such as discrimination. It expressed appreciation for the approval of the National Plan for the implementation of the Convention on the Rights of the Child (CRC) by 2017. Nicaragua made recommendations.

21. Norway expressed deep concern about instances of selective justice in Ukraine and welcomed the approval of a new code of criminal procedure. It appreciated Ukraine's active stance to integrate minorities. It expressed its concern at legislation under consideration that would explicitly discriminate against lesbian, gay, bisexual and transgender (LGTB) persons and limit their right to freedom of expression. Norway made recommendations.

22. The Philippines noted Ukraine's ratification of the CRPD and its Optional Protocol as well as other international instruments. It noted the establishment of human rights oversight bodies and praised the new Law on Combating Trafficking in Persons. Philippines made recommendations.

23. Poland noted the creation of the Commission on the Prevention of Torture at the Office of the President. It questioned the 2010 judicial reform which entrusted the Council of Justice with broad competences as it could result in weakened judicial independence. Poland enquired about measures taken to promote pluralism of the media. Poland made recommendations.

24. Portugal welcomed the measures taken by Ukraine to implement the recommendations put forward during the 2008 review. However, it remained concerned about torture and ill-treatment in police custody. Portugal welcomed the adoption of the Law on Combating Human Trafficking. Portugal made recommendations.

25. The Republic of Korea noted with satisfaction the amendments made to laws on the rights of persons with disabilities, in line with the CRPD. It expressed concern over allegations of torture and the widespread practice of using forced confessions in criminal proceedings, in addition to problems faced by ethnic minorities. The Republic of Korea made recommendations.

26. The Republic of Moldova commended Ukraine for adopting the National Plan of Action for Children (2010-2016) which takes into account the Millennium Development Goals. It welcomed amendments to refine legislation on combating domestic violence and the implementation of measures to prevent domestic violence. The Republic of Moldova made recommendations.

27. Tunisia took note of progress made to protect minorities and children's rights, as well as efforts to counter domestic violence and human trafficking. It noted that Ukraine had established the post of Commissioner for Human Rights. It congratulated Ukraine on the creation of the Constitutional Assembly responsible for carrying out constitutional amendments. Tunisia made recommendations.

28. The Russian Federation welcomed the progress made in reforming legislation, the judiciary, law enforcement and the penitentiary system, as well as the work done to combat all forms of intolerance, xenophobia and racial discrimination. It welcomed the creation of the Ombudsman for children under the Office of the President. The Russian Federation noted the improvement in conditions of detention centres. It made recommendations.

29. Slovakia welcomed the ratification of the CRPD and its Optional Protocol as well as the amendments made to several laws related to the rights of persons with disabilities. It took positive note of the standing invitation issued by Ukraine to the special procedures. Slovakia made recommendations.

30. Slovenia welcomed the ratification of the CRPD and the Council of Europe Convention on Action against Trafficking in Human Beings. Slovenia reiterated its request for an explanation as to how the gender perspective has been included in the UPR follow-up process. It invited Ukraine to close the wage gap between men and women and to recruit more women for public office. Slovenia made recommendations.

31. Spain commended Ukraine for the ratification of the CRPD and its Optional Protocol. It made recommendations.

32. Sri Lanka highlighted the preparation of comprehensive anti-discrimination legislation, and the constitution of inter-denominational consultative bodies to assist in combating religious intolerance. It noted efforts made in conjunction with international migration and labour organizations to combat and prevent trafficking. It welcomed efforts to protect the rights of women and children. Sri Lanka made recommendations.

33. Sweden stated that the new criminal procedure code was a step in the right direction, and noted that the need for further reforms to the Prosecutor's Office and the independence of the court system have been identified. Sweden raised concerns over the cases of widespread police brutality and their impunity, as well as protection of the rights of LGBT persons. It encouraged Ukraine to ratify the Rome Statute of the International Criminal Court (ICC). Sweden made recommendations.

34. Regarding the questions on anti-discrimination measures, the delegation noted the adoption of a law on preventing and combating discrimination which defines discrimination, identifies entities empowered to combat discrimination, and in particular grants the Ombudsman additional powers to address discrimination.

35. With regard to discrimination on the grounds of ethnicity, the delegation stated that, under the new concept of its migration policy, combating racism and xenophobia, including

against migrants, was a strategic priority of the Government. Awareness-raising measures, among other preventive measures, has been taken to educate the public about cultural and traditional specificities of the different migrant groups.

36. Furthermore, since April 2012, a national plan was implemented to mold and promote a culture of tolerance in society, which comprises a range of preventive measures, including awareness-raising and educational measures, social dialogue and cooperation with civil society organizations on those matters. The plan was developed based on practice and recommendations of international organizations to help to reduce the number of racist incidents. The delegation stated that in 2009, amendments had also been made to the Criminal Code in order to take into account racist and religious motives behind crimes, which would be considered as an aggravating factor in sentencing.

37. The delegation noted that Ukraine has made progress in improving legislation to ensure equal rights for women and men. However, despite this progress, discriminatory acts still occur. A draft law was submitted to Parliament to further improve legislation with a view to ensuring equal opportunities for women and men in general, and in particular, equal gender representation in central and local government. The delegation explained that under the draft law, complaints concerning discrimination in this area could be submitted to the Ombudsman, law-enforcement bodies and the courts.

38. Special attention was paid in the draft law to addressing gender bias and stereotyping in advertising. Additionally, the Expert Council, which is responsible for reviewing cases of gender discrimination, has been working to address stereotypes regarding gender roles of women and men in advertising. The Government has developed and adopted standards for non-discriminatory advertising in close cooperation with public associations and the main players in the advertising industry.

39. Ukraine paid particular attention to preventing and combating domestic violence, in particular against children. Measures have been taken to shape the culture of society and denounce domestic violence as a conflict-solving tool in families, improve legislation and mechanisms in this area and build the capacity of institutions that work to assist victims, and the enhance the effectiveness of law-enforcement entities and the courts in addressing domestic violence.

40. The delegation stated that the Government was in the process of drafting amendments to the Law on Domestic Violence in order to improve the legal definition of domestic violence, broaden its scope and to ensure more effective protection of victims. The Government had also adopted a plan of measures in 2012 to conduct a national campaign against domestic violence. Social service centres for families worked in all the regions to provide psychological, medical, informational and legal support to victims, in addition to services provided by support and hotlines services for children. The delegation highlighted Ukraine's readiness to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence. For this purpose, the Government carried out a thorough study of the national legislation in view of the Convention and a working group was established to draft amendments, based on the findings of the study, to bring its legislation in conformity with the Convention.

41. With regard to questions concerning mass media and access to information, the delegation mentioned the recent adoption of a Law on Access to Public Information and amendments to other laws regarding access to information. Individuals and legal entities could now request and receive public information promptly and effectively, including on the work of the central and local government. The Government has initiated the process to establish public television and radio. Since 2011, an inter-agency working group, which also comprises representatives of civil society, was set up to study legislation on freedom of

expression and protection of journalists, and propose recommendations for further improvement of the national legislation.

42. Regarding the work of the media during the election campaign, the delegation stated that measures had been adopted to examine issues affecting the work of journalists during this period. A monitoring centre had been established to support international election observers, and a telephone hotline had been set up for reporting violations during the elections. The delegation also noted that the existing statistics indicated that opposition candidates received more broadcasting time than the representatives of ruling party during the pre-election campaign.

43. Switzerland expressed concern at allegations of torture and ill-treatment by the police as well as the lack of investigations of such cases. It was concerned by the detention and treatment of members of the former government. Switzerland also expressed concern over discriminatory acts on the basis of race and nationality, as well as about the draft legislation discriminating against LGBT persons. It made recommendations.

44. Thailand took note of Ukraine's fulfillment of its obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It encouraged Ukraine to strengthen its policies and activities to promote gender equality and non-discrimination in employment. Thailand commended Ukraine for its efforts to combat violence against and trafficking in children. It noted the ongoing preparation of comprehensive anti-discrimination legislation. Thailand made recommendations.

45. Romania appreciated the Ukraine's ratification of important conventions on human rights and the establishment of an Ombudsman institution. It welcomed the adoption of anti-discrimination legislation as an important step in assuring the equality of all citizens. Romania made recommendations.

46. Turkey noted with satisfaction that Ukraine has become party to several important international conventions in fields such as disabilities and combating human trafficking. It noted that Parliament has adopted a new Code of Criminal Procedure. Turkey referred to the situation of the Crimean Tatars. It made recommendations.

47. The United Kingdom of Great Britain and Northern Ireland noted the reform of the judicial system, including the new Code of Criminal Procedure. It highlighted reports of selective justice and serious violations of fundamental legal principles in relation to recent trials. It expressed concern at the discrimination of LGBT persons and the draft Bill 8711. It made recommendations.

48. The United States of America expressed concern at the deterioration of fundamental freedoms and the rule of law and widening corruption. It viewed positively the adoption of the Code of Criminal Procedure. It remained concerned over politically motivated trials, imprisonment of members of the opposition, increased pressure on independent media, police abuse, trafficking in persons, discrimination of LGBT persons and the weak asylum system. The United States of America made recommendations.

49. Uruguay noted Ukraine's cooperation with the human rights system, including its mid-term report on the implementation of the recommendations of the UPR and its standing invitation to special procedures. Uruguay referred to the discrimination against LGBT persons. Uruguay made recommendations.

50. Uzbekistan enquired about the measures taken to strengthen the institution of the Ombudsman for children's rights. It also enquired about the follow-up steps undertaken to improve full access to treatment for HIV-infected persons. It also asked about measures taken to improve the human rights situation in environmentally disadvantaged regions. Uzbekistan made recommendations.



51. Algeria noted ongoing efforts to combat racial discrimination and draft comprehensive anti-discrimination legislation, and encouraged the speedy adoption and implementation of such legislation. It echoed concerns expressed by the Committee on the Elimination of Racial Discrimination over propaganda by extremist organizations. Algeria noted the need to improve gender equality in the field of employment. It made recommendations.

52. Argentina commended Ukraine for adopting the National Plan of Action for the implementation of the Convention on Rights of the Child until 2016. It commended Ukraine for enacting the Law on refugees and persons in need of special or temporary protection. Argentina made recommendations.

53. Armenia commended Ukraine for ratifying a number of human rights instruments and bringing domestic legislation into line with international standards. It noted the amendments to domestic legislation aimed at addressing racial discrimination. Armenia highlighted the attention given by the Government to the large Armenian community in Ukraine and expressed appreciation for measures adopted to protect minority rights. Armenia made recommendations.

54. Australia was concerned about the deteriorating situation regarding the freedom of assembly and expression and a fair judicial process. It welcomed the withdrawal of the draft legislation that would have re-criminalized defamation. However, it was deeply concerned about the draft bill outlawing the promotion of homosexuality and the selective and politically-motivated judicial processes applied against opposition figures. Australia made recommendations.

55. Austria expressed concern about the lack of judicial independence and the persecution of political opponents in Ukraine, and recurring reports of torture, ill-treatment and other human rights violations by law-enforcement officials. It welcomed initiatives to develop a juvenile justice system, but was concerned about the high percentage of imprisoned juveniles and poor support for their social reintegration. Austria made recommendations.

56. Azerbaijan welcomed the establishment of the Children's Ombudsman, the inclusion of human rights education in school curricula, measures to prevent domestic violence, and the establishment of the Commission on the Prevention of Torture. It requested further information on the draft anti-discrimination legislation, especially in relation to gender equality. Azerbaijan made a recommendation.

57. Bangladesh welcomed initiatives to combat xenophobia and racial and ethnic discrimination, but noted concerns by treaty bodies at the increase in racially-motivated offences and activities by extremist organizations. It shared the concerns expressed by the Committee on the Elimination of Discrimination against Women about stereotyped gender roles and responsibilities, sexist representation of women in the media and disproportionately high women's poverty. Bangladesh made recommendations.

58. Belgium encouraged the Ukraine to organize its elections according to criteria established by the Organization for Security and Co-operation in Europe (OSCE). It commended Ukraine on the adoption of the new Code of Criminal Procedure, but wished to see the rule of law strengthened further. It enquired as to what steps had been taken to promote an independent judiciary and to end corruption. Belgium made recommendations.

59. Brazil welcomed the adoption of the National Plan of Action to implement the Convention on the Rights of the Child for the period up to 2016 and the establishment of the Children's Ombudsman. It commended Ukraine's commitment to combat discrimination and promote equality. It requested information on measures adopted to foster social, economic and cultural rights. Brazil made recommendations.

60. Bulgaria commended Ukraine for ratifying many international human rights instruments, including key conventions of the Council of Europe, and the establishment of the Office of the Parliamentary Human Rights Commissioner (Ombudsman). It noted ongoing progress on comprehensive anti-discrimination legislation. Bulgaria asked how the recommendation by the Committee on the Elimination of Racial Discrimination was reflected in the new anti-discrimination act.

61. Cambodia was encouraged by the steps taken to enhance the promotion and protection of human rights, including initiatives and legislation on children's rights, judicial reforms, measures to prevent human trafficking and domestic violence and the ratification of key international instruments, in particular the CRPD and its Optional Protocol. Cambodia made a recommendation.

62. Canada remained concerned about prison conditions and enquired about measures adopted to guarantee detainees' right to humane treatment, and steps to strengthen the complaints mechanisms. It welcomed steps taken to raise awareness of domestic violence and racism. Canada was concerned about attacks and discrimination against the LGBT community and the draft legislation threatening freedom of speech and assembly. Canada made recommendations.

63. Chile noted with satisfaction the ratification of several important human rights conventions and the numerous domestic legal and administrative reforms undertaken. It welcomed the ongoing process to draft anti-discrimination legislation. It urged Ukraine to continue its reform process, speed up the implementation of measures to promote and protect human rights, including improving its judicial system and institutional structures and mechanisms. Chile made recommendations.

64. Regarding the protection of children's rights, the delegation stated that the Government had implemented various measures to prevent the phenomena of so-called "social orphans," by supporting families in general, and in particular families facing difficult social conditions. The State financial assistance for families with a new-born child has increased more than three times since 2008. The Government also implemented a financial support programme for families with young children to meet their housing needs. All those measures were incorporated into the new State social programme for families, adopted in 2012.

65. The delegation also reported on specific measures to assist families in difficult social conditions with the aim of preventing the separation of children from families for financial reasons. A national strategy to address the issue of social orphans was approved by Presidential decree in October 2012. The strategy adopts a comprehensive approach to preventing the separation of children from their families by, inter alia, addressing the financial problems of families at an early stage, by providing financial assistance. Social service centres for families, children and youth operate nationwide and carry out the main work required by the strategy. Several other support centres also operate, such as psychological support centres for families, centres for children deprived of family care and mother and child support centres. The Institute for Social Workers was also established to train professional social workers.

66. The delegation stated that special assistance was provided to children temporarily deprived of family care. Special rehabilitation centres provide psychological, social, educational and legal support to such children. Those centres work also with children who are victims of domestic violence. The number of such centres has doubled since 2005.

67. Moreover, the Government has worked to decrease the number of children in care institutions. In the past years, the number of children living in family-type institutions and in foster care has steadily increased. In 2010, over 70 per cent of orphans and children deprived of family care lived with foster families or in family-type institutions. The number

of children adopted by Ukrainian families has also increased. In 2012, the budget allocation for financial support to foster care and families with adopted children increased by 20 per cent compared to 2011.

68. The delegation reported that the amendments to the law on secondary education were adopted in 2010 to introduce inclusive education for children with special needs. Since 2011, the number of children with disabilities attending primary and secondary schools, vocational training institutions and universities has been increasing. New teaching materials have been developed and teacher training has been carried out for inclusive education. The remuneration of teachers working with children with special needs has increased. The Government plans to continue taking measures to improve inclusive education for children with special needs.

69. The delegation reported on the newly adopted law on minorities languages. The Government also identified the need to improve the main law on national minorities, which was adopted in 2001, and has therefore started drafting amendments to it. The Government also implemented various measures for the successful integration of Crimean Tatars who were deported from the territory of Ukraine in 1944 and who have returned over the past years. In particular, the Government supported the construction of housing for returned Crimean Tatar families. The schools were preparing to provide education in the Crimean Tatar language; and religious buildings have been returned to the minority community.

70. The delegation mentioned a new strategy developed for the protection and integration of Roma up to 2020. The strategy pays special attention to the issues of education, employment, housing and access to health care of the Roma. The delegation also reported on special measures taken by the Government for registration of Roma and integration of Roma children in the school system.

71. China welcomed legislation to combat racial and religious discrimination and human trafficking, as well as the emphasis Ukraine has placed on protecting women and children's rights by formulating a national action plan to combat domestic violence and provide assistance to victims. It commended the publicity campaign on gender equality. China made a recommendation.

72. Cuba noted steps to draft anti-discrimination legislation and requested further information regarding this. It highlighted Ukraine's efforts to promote gender equality and prevent domestic violence. It appreciated the priority Ukraine has given to protecting children's rights, including measures adopted to prevent the sale of children, and encouraged it to continue efforts in that area. Cuba made recommendations.

73. Cyprus welcomed legislation, programmes and policies implemented to prevent trafficking in persons and to establish monitoring mechanisms to assist trafficked children. It requested more information on steps taken to provide compensation for victims. Cyprus encouraged Ukraine to create more rehabilitation shelters and social integration for victims and to ensure systematic investigation, prosecution and punishment of traffickers.

74. Czech Republic expressed appreciation for Ukraine's comprehensive report on measures adopted to protect human rights. It requested more details on measures adopted to ensure investigation and punishment of acts of threat, harassment or violence against human rights defenders as reported by the Special Rapporteur on the situation of human rights defenders in 2011. Czech Republic made recommendations.

75. Egypt was concerned about racism, xenophobia and intolerance towards foreigners, immigrants and ethnic minorities. It noted ongoing efforts to adopt anti-discrimination legislation, which it hoped would include clear criminal liability provisions. It acknowledged efforts to amend the criminal procedure code and introduce new judicial

guarantees, but pointed out that prolonged pretrial detention should be addressed. Egypt made recommendations.

76. Estonia encouraged Ukraine to respect freedom of expression and to adopt a law on freedom of assembly in line with international standards. It welcomed the new criminal procedure code, the approval of a juvenile justice system plan and the adoption of new legislation on refugees. It encouraged Ukraine to address deficiencies in the law on refugees. Estonia made recommendations.

77. Finland welcomed ratification of the CRPD and its Optional Protocol and amendments to legislation on the rights of persons with disabilities, but was concerned about their effective implementation. It was also concerned about draft legislation criminalizing references to homosexuality in the media or public domain, which would contradict Ukraine's international human rights obligations. Finland made recommendations.

78. France welcomed measures adopted to respond to allegations of torture and ill-treatment, but noted that they seemed insufficient. It was concerned about increased violence against persons based on their sexual orientation and at attempts by Parliament to adopt legislation criminalizing the promotion of homosexuality. It was also concerned about pressure exerted on the independent media and journalists. France made recommendations.

79. Germany expressed its appreciation at efforts to implement the recommendations of the first UPR cycle, but remained concerned about continued human rights violations. It encouraged Ukraine to abandon draft legislation criminalizing the promotion of homosexuality and to refrain from other legislation infringing on the human rights and fundamental freedoms of LGBT persons. Germany made recommendations.

80. Hungary requested information on the implementation of the new language bill and hoped that regional status would be granted to the Hungarian language in the Sub-Carpathian region. It was concerned at reports that the courts accepted evidence obtained as a result of ill-treatment, the ineffectiveness of the legal aid system, as well as the inadequate legal framework for independent lawyers. Hungary regretted that Ukraine had failed to ratify the Rome Statute. Hungary made recommendations.

81. India commended Ukraine on ratifying international human rights conventions. It welcomed the corpus of laws and regulations introduced to ensure children's rights, not least the establishment of the Children's Ombudsman and amendments to education legislation. It urged Ukraine to ensure effective implementation of the National Plan of Action for children (2010-2016). It asked when the draft anti-discrimination legislation might be adopted.

82. Indonesia welcomed the ratification of the CRPD. It noted the establishment of Roma ethnic cultural associations in Ukraine and the amendment to the Act on Principles of Social Protection for Homeless Persons and Abandoned Children. It commended Ukraine on its efforts to combat trafficking in persons, particularly children, through legislation. Indonesia encouraged Ukraine to step up its efforts in facilitating the issuance of identity documents and birth certificates for the Roma. Indonesia made recommendations.

83. The Islamic Republic of Iran took note of Ukraine's national report and introductory statement. It shared the concerns raised in the OHCHR compilation report on Ukraine. It made recommendations.

84. Iraq commended the establishment of a separate institutional, legislative and executive mechanism to bring about gender equality. It valued national efforts to provide comprehensive and full education for children with special needs. It welcomed special

measures to combat juvenile delinquency and introduce integration programmes, as well as efforts to combat corruption in the judiciary. Iraq made recommendations.

85. Ireland commended Ukraine on progress achieved in implementing commitments made following the first UPR. It was concerned about the lack of explicit legal protection against discrimination based on sexual orientation. It commended Ukraine on the recent ratification of the revised European Convention on the Adoption of Children. Ireland made recommendations.

86. Italy welcomed the recent adoption of the new criminal procedure code, but remained concerned about the national penitentiary system. It noted with appreciation the measures adopted to improve the protection of women and children's rights, such as the Act to Combat Trafficking in Persons, but remained concerned by cases of domestic violence, child prostitution and pornography. Italy made recommendations.

87. Kazakhstan welcomed the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It highlighted that Ukraine had ratified the core international human rights treaties and other international instruments. It expressed its appreciation of the Government's efforts to secure and maintain the rights of ethnic groups, including the Kazakh diaspora. Kazakhstan made recommendations.

88. Lithuania welcomed the priority given to eradicating human trafficking and efforts to bring Ukraine's legal system into line with international standards, but noted that the lack of independence and transparency in the judicial system needed to be addressed. It also noted that prison overcrowding, poor detention conditions, high mortality and cases of torture and ill-treatment of prisoners were still areas of concern. Lithuania made a recommendation.

89. The delegation reported on the establishment in 2012 of a special body responsible for the implementation of a State migration policy and the adoption of the Law on refugees and persons in need of complementary or temporary protection, which is aimed at improving national legislation in the light of international human rights standards. As a result, progress was documented in a number of areas, including a unified refugee status determination procedure, strengthened support for refugee families, special guarantees for asylum-seeking children and strengthened legal provisions to ensure the principle of non-refoulement. Special measures were also adopted for unaccompanied asylum-seeking children and the integration of refugees in society.

90. The delegation reported on several measures undertaken to implement the 2011 Law on combating trafficking in persons. The Ministry of Social Policy has assumed the role of national coordinator for the work on preventing and combating human trafficking, in particular trafficking in children. The new comprehensive State social programme for preventing human trafficking was also adopted with the aim of improving State assistance to victims of trafficking victims and increasing public awareness on the issue. Social service centres for families and children serve as main bodies for providing medical, legal, psychological and material support to victims. Such centres operate in 20 regions and additional centres are planned for seven regions.

91. The delegation stated that unlike prisons, pretrial detention centres faced the problem of overcrowding. The construction of new buildings was among various measures undertaken to solve the problem of overcrowding. Implementation of those measures allowed the reduction in the population at the detention centres to be documented and ensured a living space of three square meters per inmate, with the goal of ensuring four square meters per inmate in the near future.

92. The delegation also reported on various measures implemented to improve access to health care in the penitentiary system. In 2011, a large proportion of medical equipment in the medical establishments of the penitentiary system was modernized. Furthermore, the legal framework for access to medical services in prisons has been improved. As a result, if adequate medical assistance cannot be provided in the medical establishments of prisons, then the necessary medical assistance would be provided by the establishments of the Ministry of Health, based on the inter-agency agreement between the Ministry of Justice and Ministry of Health. Additionally, starting from 2012, a prisoner has the right to choose his/her doctor freely, including from among the medical personnel of the Ministry of Health.

93. The delegation also stated that a steady decrease in cases of tuberculosis in prisons has been documented in the past years. Each detainee or prisoner is entitled to take an HIV test on a voluntary basis and receive medical and psychological support.

94. The delegation highlighted that Ukraine had adopted a State programme to prevent and combat HIV/AIDS and established a State national council to coordinate the work in this area. Due to effective access to preventive measures, the mother- to -child transmission rate of HIV infection has significantly decreased. Additionally, the antiretroviral treatment coverage has increased in 2012.

95. In respect to the ratification of the Rome Statute of the ICC, the delegation stated that Ukraine remained committed to the idea of the establishment of the international court. Ukraine was also demonstrated its full commitment in effective execution of judgments of the European Court of Human Rights of the Council of Europe.

96. In conclusion, the delegation stated that the universal periodic review was an important opportunity for an objective evaluation of human rights situation in the country. The delegation expressed its appreciation for the participation of all delegates and for their questions, especially those provided in advance.

## **II. Conclusions and/or recommendations\*\***

97. **The following recommendations will be examined by Ukraine, which will provide responses in due time, but no later than the twenty-second session of the Human Rights Council in March 2013:**

**97.1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Statute of the International Criminal Court (Spain);**

**97.2. Consider the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina);**

**97.3. Ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

**97.4. Consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families as well as ILO Convention No. 189 (Philippines);**

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\*\* The conclusions and recommendations have not been edited.

- 97.5. Consider an early ratification of the third Optional Protocol to CRC on a communication procedure (Slovakia);
- 97.6. Examine the possibility of swift ratification of the Rome Statute (Tunisia);
- 97.7. Ratify the Rome Statute of the International Criminal Court (Slovakia) (Austria);
- 97.8. Ratify the Rome Statute of the International Criminal Court, and fully align its national legislation with all obligations under the Rome Statute (Estonia);
- 97.9. Take all measures necessary to ratify the Rome Statute of the ICC (Belgium);
- 97.10. Take the necessary measures for the prompt ratification of the Rome Statute as well as the adoption of legislation to implement the Statute (France);
- 97.11. Ratify the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Portugal);
- 97.12. Take further measures and accede to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Ireland);
- 97.13. Make the necessary constitutional changes in order to ratify the Rome Statute of the International Criminal Court, signed in January 2001 (Portugal);
- 97.14. Consider the possibility of introducing the necessary constitutional changes to ratify the Rome Statute of the International Criminal Court and develop a law on cooperation between the State and the International Criminal Court (Uruguay);
- 97.15. Make the necessary constitutional changes to ratify the Rome Statute (Hungary);
- 97.16. Revise national legislation so as to effectively implement the provisions of the Convention on the Rights of Persons with Disabilities (Mexico);
- 97.17. That any draft law that infringes fundamental human rights and violates commitments of Ukraine to international human rights law like the European Convention on Human Rights and the ICCPR be recalled (Netherlands);
- 97.18. Reject any proposed legislation that would restrict freedom of expression relating to sexual orientation (Slovenia) (Norway);
- 97.19. Withdraw its draft legislation criminalizing the promotion of homosexuality, and refrain from adopting any other legislation that restricts freedom of expression (Australia);
- 97.20. Include provisions in the draft framework law to address the concerns expressed by treaty bodies in the area of discrimination (Nicaragua);
- 97.21. Speed up the work to bring the criminal procedure code in line with European standards, as proposed by the Council of Europe (Norway);

- 97.22. Consider bringing national legislation relating to trafficking in and sale of children in line with the Optional Protocol to the CRC, on the sale of children, child prostitution and child pornography (Slovenia);
- 97.23. Do its utmost to bring national legislation in line with the Espoo and Aarhus Conventions in order to ensure a general enjoyment of the right to an environment that is safe for life and health (Romania);
- 97.24. Ensure that legislation, including the proposed Bill 8711, is fully compliant with Ukraine's international commitments, including under the European Convention on Human Rights (United Kingdom of Great Britain and Northern Ireland);
- 97.25. Enact legislation that explicitly protects LGBT persons from discrimination and ensure that laws that contain discriminatory provisions against LGBT persons are amended (Ireland);
- 97.26. Consider measures for the early passage of the proposed anti-discrimination law now being considered by its parliament (Philippines);
- 97.27. Adopt a comprehensive anti-discrimination legislation that would include also a definition of direct and indirect discrimination and a comprehensive list of grounds for discrimination (Czech Republic);
- 97.28. Accelerate the adoption of a bill on preventing and combating discrimination (Thailand);
- 97.29. Enact legislation which clearly prohibits child prostitution and other forms of sexual exploitation, consistently with the international obligations undertaken by the country, bearing in mind that the Lanzarote Convention will enter into force as regards Ukraine on 1 December 2012 (Italy);
- 97.30. Adopt a comprehensive anti-discrimination law that addresses the worrying trend of incidents based on gender, sexual orientation, racial and ethnic discrimination (Portugal);
- 97.31. Step up efforts to strengthen the national mechanism for the advancement of women and to provide such mechanism with adequate resources (Malaysia);
- 97.32. Establish an independent national preventive mechanism in accordance with its obligations under OP-CAT (Switzerland);
- 97.33. Establish its effective national preventive mechanism in compliance with OP-CAT (Czech Republic);
- 97.34. Accelerate its efforts to achieve conformity with the provisions of OP-CAT regarding a national mechanism for the prevention of torture (Tunisia);
- 97.35. Take the necessary measures for the full implementation of the Optional Protocol to the Convention against Torture, and in particular, establish an independent national preventive mechanism (France);
- 97.36. In the realm of the new criminal procedure code, establish an independent mechanism for the investigation of alleged cases of torture by officers of law-enforcement agencies independent from the Ministry of the Interior and the Prosecutor's Office (Estonia);
- 97.37. Create a mechanism for the prevention of torture that complies with the requirements established by the Optional Protocol to the Convention



against Torture, giving special emphasis to the independence of this mechanism (Mexico);

97.38. Establish an institutional mechanism to counter racial discrimination and re-activate institutions which have ceased to be operational; particularly the Inter-departmental Working Group against xenophobia and ethnic and racial intolerance (Iran (Islamic Republic of));

97.39. Ensure effective implementation of the National Plan of Action for children (2010-2016) (Republic of Moldova);

97.40. Take effective measures to implement the National Plan of Action for children (2010-2016) and allocate sufficient funding for implementation (Iran (Islamic Republic of));

97.41. Efficiently implement recently ratified international conventions, especially in the field of child rights (Kazakhstan);

97.42. Continue to implement measures and programmes to promote and protect the rights of children, in particular the right to education and the right to health (Cuba);

97.43. Adopt the National Action Plan for equal opportunities for persons with disabilities (Slovakia);

97.44. Apply the Yogyakarta principles in policy development (Slovenia);

97.45. Continue full and effective implementation of the decisions of the European Court of Human Rights (Armenia);

97.46. Take effective measures to increase budgetary allocation to the health sector (Iran (Islamic Republic of));

97.47. Further strengthen a gender-sensitive approach in all poverty alleviation programmes (Azerbaijan);

97.48. Use a gender sensitive approach in all poverty alleviation programmes (Bangladesh);

97.49. Adopt plans and programmes related to trafficking in persons (Iraq);

97.50. Pay more attention to the awareness of the citizens of Ukraine about their rights and to involvement of society in taking important decisions (Russian Federation);

97.51. Pay due attention to the recommendations made by the Special Rapporteur on torture (Kazakhstan);

97.52. Take appropriate measures aimed at increasing the number of women in decision-making positions as well as address the issue of a persisting wage gap between men and women (Algeria);

97.53. Implement temporary special measures, including quotas, to achieve gender equality in areas where women are underrepresented or disadvantaged and for women suffering from multiple discrimination, such as Roma women (Bangladesh);

97.54. Devote more efforts to harmonizing gender equality for guaranteeing their equal rights and opportunities in both the legislative and executive branches (Kazakhstan);

- 97.55. Take measures to include in its legislation a precise definition of the different forms of discrimination (Belgium);
- 97.56. Remove from the legislation discriminatory provisions based on race, sex or sexual orientation, and adopt comprehensive anti-discrimination legislation (Canada);
- 97.57. Step up the efforts to fight against discrimination by refraining from contradictory legislation and by amending the anti-discrimination legislation to include explicit references to sexual orientation and gender identity as possible grounds of discrimination (Finland);
- 97.58. Maintain its programmes aimed at preventing and combating racism, racial discrimination and xenophobia (Cuba);
- 97.59. Continue its effort to combat discrimination and promote equality in accordance with international treaties establishing guarantees of fundamental human rights and freedoms, and equality in the enjoyment of such rights, without privileges or restrictions based on race, colour, political, religious or other belief, gender, sexual orientation, ethnic or social origin, property status, place of residence, language or other grounds (Brazil);
- 97.60. Take more effective procedures to counter discrimination and xenophobia (Iraq);
- 97.61. Continue efforts to combat different forms of discrimination and ensure respect for the rights of ethnic minorities (Argentina);
- 97.62. Take further measures against racism and extremism and encourage peaceful co-existence between different ethnic groups (China);
- 97.63. Continue moving forward with the adoption of effective measures that promote tolerance and respect for foreigners and members of national, racial and ethnic minorities (Chile);
- 97.64. Continue its efforts to combat discrimination and ensure that manifestations of racial, ethnic and religious hatred are promptly investigated and acted upon accordingly; and in this regard, intensify its efforts in enacting anti-discrimination laws (Malaysia);
- 97.65. Further pursue its efforts to create appropriate institutional mechanisms to counter all forms of discrimination and further pursue its efforts to provide human rights training for police personnel to effectively fight hate crimes (Morocco);
- 97.66. Issue a comprehensive anti-discrimination law and update the national action plan in order to dedicate special attention to addressing the practices of law-enforcement officials, as well as the legal and practical measures needed to combat incitement and hate crimes (Egypt);
- 97.67. Exert all efforts to redress discriminatory treatment imposed on ethnic minorities, including ethnic Koreans (Republic of Korea);
- 97.68. Continue strengthening tolerance in the Ukrainian society and take measures to prevent integration of nationalistic ideas in the political platforms of the public associations (Russian Federation);
- 97.69. Respect its international commitments on fundamental rights related to non-discrimination, prevent the adoption of a law prohibiting freedom of expression with regards to homosexuality and raise awareness of civil society

on combating all forms of discrimination, including discrimination based on sexual orientation and gender identity (France);

97.70. Take an active stance to stop any actions or laws that constitute an infringement of the rights of LGBT persons (Sweden);

97.71. Implement the recommendation issued in 2010 by the Committee of Ministers of the Council of Europe on measures to combat discrimination based on sexual orientation or gender identity (Switzerland);

97.72. Adopt legislative and other measures to correct and prevent discrimination based on sexual orientation, and to ensure full respect for freedom of expression and association of LGBT persons (Uruguay);

97.73. Increase efforts to improve the effective protection of LGBT persons, abandon legislation work on draft law no. 8711 on so-called “propaganda of homosexuality” and refrain from other legislation infringing on the human rights and fundamental freedoms of LGBT persons (Germany);

97.74. Study the possibility of expanding measures to combat discrimination, especially in the case of children with disabilities and HIV (Argentina);

97.75. Take further measures to systematically ensure safeguards against the occurrence of torture or ill-treatment, in particular in prison and detention facilities, while implementing also recommendations of the European Committee for the Prevention of Torture (Czech Republic);

97.76. Continue to strengthen provisions to address domestic violence, and programmes to reinforce mechanisms for the protection of women and children (Chile);

97.77. Respect the principles and standards provided by the Council of Europe Convention on preventing and combating violence against women and domestic violence, even prior to its ratification and entry into force (Italy);

97.78. Continue to work towards a comprehensive approach to preventing and addressing all forms of violence against women (Republic of Moldova);

97.79. Increase efforts to prevent and combat all forms of abuse of children and adopt preventive measures and provide protection and services for their recovery (Iran (Islamic Republic of));

97.80. Allocate adequate resources to ensure the effective implementation of the Combatting Trafficking in Persons Act (2011) (Philippines);

97.81. Step up the national efforts in the field of trafficking in persons through a victim-oriented approach that attaches special focus on the protection of children from abuse and sexual exploitation (Egypt);

97.82. Continue efforts in combating human trafficking and provide the necessary assistance to victims of trafficking (Lithuania);

97.83. Redouble its efforts in regard to combating trafficking in persons, particularly in combating the trafficking of children for sexual and labour exploitation, including through addressing the root causes of trafficking, establishing additional shelters for rehabilitation and social integration of victims and ensuring systematic investigation, prosecution and punishment of traffickers (Indonesia);

- 97.84. Give adequate training on the Law on combating trafficking in human beings to all those involved in the fight against human trafficking, especially border guards (Portugal);
- 97.85. Continue its efforts aimed at fighting trafficking in persons, particularly children and women, and at ensuring compensation and rehabilitation for trafficking victims (Algeria);
- 97.86. Introduce a clear definition of child pornography into national legislation (Portugal);
- 97.87. Take note of the recommendations of the Committee on the Rights of the Child in the National Plan for the application of the CRC until 2016 (Nicaragua);
- 97.88. Implement genuine measures ensuring truly independent judiciary, including establishing transparent procedures and criteria regarding the appointment and dismissal of judges and the use of disciplinary measures (Slovakia);
- 97.89. Continue strengthening the independence and impartiality of the judiciary and guaranteeing greater transparency of legal procedures, through measures such as the review of the Criminal Code and of the Public Prosecutor's Office (Spain);
- 97.90. Provide the legal and operational framework for an independent judiciary, inter alia, by establishing fair procedures and criteria regarding the appointment and dismissal of judges (Austria);
- 97.91. Consider establishing enhanced procedures and transparent criteria regarding the appointment and dismissal of judges, and the application of disciplinary measures in order to dispel concerns of the international community regarding the independence of the judiciary (Poland);
- 97.92. Provide the legal and operational framework for an independent and effective judiciary, and undertake reform of the Prosecutor's Office that ensures its independence and impartiality and separate the criminal prosecution functions from those investigating alleged abuse (Canada);
- 97.93. Further strengthening of the judiciary by investigating all allegations of human rights violations by law enforcement officers and the police (Germany);
- 97.94. Take concrete steps to improve the objectivity and independence of the criminal justice system by incorporating the recommendations of the Venice Commission, implementing the judgments of the European Court of Human Rights, and addressing concerns about selective justice (United Kingdom of Great Britain and Northern Ireland);
- 97.95. Fully implement the new criminal procedure code, including necessary constitutional and statutory reforms needed to limit the powers of the Prosecutor General's office, and establish an impartial and independent criminal justice system, in line with Ukraine's obligations under the ICCPR (United States of America);
- 97.96. Full implementation of the new criminal procedure code, and that the independency of judges is strengthened, the role of the public prosecution is balanced and corruption in judiciary system is tackled (Germany);

- 97.97. **Rapidly implement the recently adopted criminal procedure code (Norway);**
- 97.98. **Continue to make efforts with regard to reform in criminal proceedings, including enhancing the independence and impartiality of the Prosecutor's Office, as well as the updating of pretrial investigation procedures (Republic of Korea);**
- 97.99. **Create an independent body to investigate cases of torture and guarantee compensation for victims. Additionally, bring conditions of detention in line with international standards and ensure respect for the judicial guarantees of detainees (Spain);**
- 97.100. **Improve the legislation and its application in order to combat police impunity and increase the number of criminal investigations of suspected perpetrators accused of police brutality, as well as provide training for staff of law-enforcement bodies on the rights of detainees (Sweden);**
- 97.101. **Ensure that the right of victims of torture or other cruel, inhuman or degrading treatment to obtain reparation is respected (Switzerland);**
- 97.102. **Take sincere efforts to hold accountable those police and law enforcement officers responsible for the torture and ill-treatment of detainees (Iraq);**
- 97.103. **Take urgent measures to prevent cases of ill-treatment and torture by police officers and ensure their accountability for any criminal acts (Austria);**
- 97.104. **Strengthen the effectiveness and the independence of the mechanisms to supervise the observance of human rights of inmates and persons under police custody with the aim of preventing ill-treatment (Italy);**
- 97.105. **In line with the observation made by the Committee on the Elimination of Racial Discrimination, ensure proper investigation and continue its actions to stop hate crimes (Bangladesh);**
- 97.106. **Protect and promote effectively the right to a fair trial in accordance with internationally established standards (Slovakia);**
- 97.107. **Intensify its efforts to fight hate crimes and encourage senior State officials to take a clear position against these crimes, and publicly condemn racist acts of violence and other offences motivated by hatred (Tunisia);**
- 97.108. **Take the necessary steps to ensure that all allegations of mistreatment are impartially investigated (Portugal);**
- 97.109. **Ensure non-selective prosecutions on its territory and a fair trial for persons being prosecuted, in conformity with the standards as under article 14 of the ICCPR, including the right to appeal laid down in paragraph 5 (Netherlands);**
- 97.110. **Urgently address the problem of the acceptance by the courts of evidence obtained as a result of ill-treatment in detention (Hungary);**
- 97.111. **Fulfil its commitments on the use of minority languages in justice, in both criminal and civil procedures (Romania);**
- 97.112. **Adopt a law on the bar association that recognizes the right of the bar to self-government and guarantees proper representativeness by regular elections and regional representation (Hungary);**

- 97.113. Ensure that all citizens, including opposition figures, such as former Prime Minister Tymoshenko, enjoy their right to fair, transparent and impartial treatment in the judicial system (Australia);
- 97.114. End politically motivated prosecutions (United States of America);
- 97.115. Consider stepping up efforts towards reform in juvenile justice (Slovenia);
- 97.116. Strengthen and advance its efforts for establishing a juvenile justice system and promote alternative measures to deprivation of liberty for juvenile offenders (Austria);
- 97.117. Ensure that the new criminal procedure code respects the human rights of those held in custody, and that the statements informing migrants of the justification for their deportation is in one of the languages that the deportee understands (Egypt);
- 97.118. Further promote freedom and pluralism of the media as key elements for enabling the exercise of freedom of expression (Poland);
- 97.119. Create an enabling environment for journalists and media professionals and ensure fully transparent and impartial investigation and prosecution in all cases of attacks against them (Austria);
- 97.120. Further develop measures to fully guarantee freedom of expression, particularly the protection of the integrity of persons working in the media in the exercise of that right (Chile);
- 97.121. Ensure better protection of journalists and combat abuse and violence to which they are subject (France);
- 97.122. Pursue measures against State organs which attempt to limit media and journalists (Germany);
- 97.123. Implement a law on freedom of assembly that complies with applicable standards under article 21 of the ICCPR (United States of America);
- 97.124. Implement recommendations made by independent electoral observation missions in relation to the conduct of the October 28th Ukrainian parliamentary elections, as a matter of priority (Canada);
- 97.125. Review its legislation to ensure the right of all boys and girls to have a nationality and ensure birth registration, regardless of their ethnic origin or their parents' status (Mexico);
- 97.126. Ensure adequate funding for the public education system and improve the availability, accessibility and quality of general education in rural areas (Iran (Islamic Republic of));
- 97.127. Strengthen efforts in mitigating the effects caused by the decline in schools in recent years to ensure that the children's schooling cycle is not left vulnerable (Sri Lanka);
- 97.128. Continue to develop the national health sector, with special focus on access to health for poorer segments of the population (Sri Lanka);
- 97.129. Adopt effective measures to ensure access of all categories of citizens to treatment and prevention of HIV (Uzbekistan);
- 97.130. Take steps to reverse the negative trend of the decrease in vaccination coverage in Ukraine (Brazil);

- 97.131. Apply the relevant international experience in ensuring the protection of human rights in the zones of environmental crisis (Uzbekistan);
- 97.132. Ensure implementation of environment protection legislation (Iran (Islamic Republic of));
- 97.133. Ensure implementation of legislation and other measures protecting the rights of persons with disabilities by, inter alia, allocating adequate funding for projects aiming at establishing a barrier-free living environment, and guaranteeing for children with disabilities equal access to education in mainstream schools (Finland);
- 97.134. Adopt a national programme for implementation of the Convention on the Rights of Persons with Disabilities (Iran (Islamic Republic of));
- 97.135. Protect persons with mental disabilities and refer to justice those responsible for violations against them in psychiatric hospitals (Iraq);
- 97.136. Continue the promotion of the rights of national minorities, as well as governmental policy on combating discrimination (Armenia);
- 97.137. Take further steps to promote education in the languages of the national minorities, including in the areas where the number of students may be decreasing (Romania);
- 97.138. Further ensure, in a sustainable way, the education in minority languages (Republic of Moldova);
- 97.139. Further improve the situation pertaining to minority issues, especially in the social and economic fields for the disadvantaged groups, and promote equal opportunities for them to have access to education and other related sectors at all levels (Cambodia);
- 97.140. That no effort be spared for the improvement of the current status and living conditions of the Crimean Tatars along with the other minorities (Turkey);
- 97.141. Take further action in ensuring and preserving the political, economic, social and cultural rights of the Crimean Tatars, which would also be conducive to better inter-communal relations (Turkey);
- 97.142. Adopt necessary measures and legislation to protect the rights of all migrant workers in the country (Thailand);
- 97.143. Review the Ukrainian legislative framework on asylum and refugees, so as to ensure respect of the principle of non-refoulement and that asylum seekers are not deported to countries where they might find themselves at risk (Spain);
- 97.144. Respect the principle of non-refoulement (Belgium);
- 97.145. Ensure the protection of refugees and asylum seekers and reconsider cases in which asylum seekers are to be forcibly returned (Iraq);
98. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

*[English only]*

### **Composition of the delegation**

The delegation of Ukraine was headed by Mr. Nazar Kulchytskyy, the Government Agent before the European Court of Human Rights, Ministry of Justice of Ukraine and composed of the following members:

- Ambassador Mykola Maimeskul, Permanent Representative of Ukraine in Geneva;
  - Ms. Svitlana Kolyshko, Director of Department of International Law and Cooperation, Ministry of Justice of Ukraine;
  - Ms. Nataliya Borodych, Chief of Division, Department of Public Relations, Ministry of Internal Affairs of Ukraine;
  - Mr. Maksym Budarin, Deputy Director of the Department of Religious Affairs and Nationalities, Ministry of Culture of Ukraine;
  - Ms. Galyna Zhukovska, Director of the Department of Family Policy of the Ministry of Social Policy of Ukraine;
  - Mr. Ruslan Kolbasa, Director of the Department of Adoption and Protecting of Children Rights of the Ministry of Social Policy of Ukraine;
  - Ms. Olga Kravchenko, Director of the Legal Department of the Ministry of Education, Youth and Sports of Ukraine;
  - Ms. Nataliya Naumenko, Director of the Department on the matters of the Refugees of the State Migration Service of Ukraine;
  - Mr. Yevgen Polyakov, Director of the Department of the Healthcare and sanitary maintenance of the State Penitentiary Service of Ukraine;
  - Mr. Oleksandr Potylchak, Judge of the Trial Chamber on economic affairs of the Supreme Court of Ukraine;
  - Mr. Serhii Melnyk, Deputy Chief of division, Office of the General Prosecutor of Ukraine;
  - Mr. Oleksii Holubov, Counsellor, Permanent Mission of Ukraine in Geneva;
  - Ms. Olga Kavun, First Secretary, Ministry of Foreign Affairs of Ukraine.
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