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STATEMENT

by

H.E. Mr. Nazar Kulchytskyy

the Government Agent before the European Court of Human Rights,

Ministry of Justice of Ukraine

at the UPR Segment of the 22nd session of the UN Human Rights Council

Geneva, 14 March 2013.

**Mr. President,
Excellencies, Ladies and Gentlemen,**

On behalf of the Government of Ukraine I would like to express our sincere appreciation to all delegations for their recommendations and questions put forward at the interactive dialogue held within the framework of the 2nd cycle UPR of Ukraine last October.

Without a doubt we have immensely benefited from this constructive engagement. In particular, I would like to put on record our sincere gratitude to the Troika members – Cameroon, Saudi Arabia and Ecuador as well as to the Office of the High Commissioner for Human Rights for the professional way in which the review of Ukraine was conducted.

I also wish to express our utmost respect to the Human Rights Council, and to the Universal Periodic Review as an instrument that takes stock of and measures member-States' performance in the realm of human rights promotion, protection and fulfillment.

The UPR is unique in the UN's human rights architecture. We believe the first cycle has already demonstrated how much it can contribute to the future promotion of human rights worldwide. Now as the second cycle gets underway, we believe it is obvious that UPR has long-term potential.

The UPR provides an important channel to elaborate on national achievements and challenges in the field of human rights in a constructive and equal manner based on dialogue between Member States.

I am very pleased to present here today Ukraine's response to the recommendations it received in October 2012. I would like to begin by setting out the Ukraine's commitment to secure a successful future for the UPR mechanism as a whole; and then explain in more detail how we have responded to the recommendations.

Mr. President,

It should be noted that our position on recommendations through wide consultations with all relevant state bodies, took into account proposals of the civil society. In this process we tried to be honest and critical to our possibilities to implement everything, as far as we consider the goal of the UPR as not full acceptance but rather relevant implementation of the recommendations received.

Out of the 145 recommendations made by States at our review last October, Ukraine fully accepted 115 recommendations, partially accepted 3 recommendations. Our acceptance or partial acceptance is therefore poses no prejudice to our current compliance with issues the recommendations raised.

After careful consideration we have decided not to accept 27 recommendations. The Government has thoroughly considered these 27 not accepted recommendations and provided its written comments in the addendum to the Working Group's report. This decision in most cases is based on our serious doubt of capability to guarantee the implementation of relevant recommendations as in the case with the ratification of the Roma Statute, that as you know require Constitutional changes (recommendations 97.1-97.10).

And I would like to emphasize that not acceptance of a particular recommendation does not in any way minimize the value of related human rights. In fact, we have pledged to work thoroughly on all issues which we highlighted in our second Universal Periodic Review. Not to be unfounded I will give you an example of the first UPR cycle when Ukraine rejected recommendation concerning the Convention on the Rights of Persons with Disabilities and Optional Protocol, which were nevertheless ratified by Ukraine.

In order to avoid any misunderstandings I would like to go shortly through the recommendations we did not accept.

First of all these are recommendations concerning the request of ratification of some international documents (rec. 97.1-97.15). As it is stated in our response, the proper legal analysis as well as assessments of financial, economic and socio-political consequences of the implementation of an international legally-binding document should precede any ratification process. So by not accepting some recommendation we do not close the door for its implementation but we do start the national process of studying the issue. However, I would like to note that on 11 January 2013 Ukraine ratified the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (recommendation 97.11) notwithstanding the mentioned recommendation was not accepted as far as it contains the requirement to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence, on which the corresponding analysis is being conducted at the moment.

The next group of non-accepted recommendations is on discrimination of LGBT persons, representatives of national minorities (rec. 97.18-97.19, 97.25, 97.44, 97.55, 97.71-97.73). In this case it should be mentioned that new Ukrainian legislation establishes the principle of non-discrimination, which provides equal rights and liberties for all persons, groups of persons, and equality before the law, respect for the dignity of every human being, equal opportunities for all individuals and / or groups of individuals. Moreover it should be noted that we still improving this legislation in accordance with the relevant EU standards.

Concerning rec. 97.113 and 97.114 the Government of Ukraine believes that every person on the territory of Ukraine enjoys its right for fair, transparent and impartial tribunal. Also it is necessary to point out that in case "Lutsenko vs Ukraine" European Court on Human Right found unsubstantiated applicant's allegations as to existence of political motives for his arrest and pre-trial detention.

As to the protection of refugees and asylum-seekers issues (rec. 97.143-97.145) it should be stated that non-refoulement principle is established by the relevant Ukrainian legislation.

In a few words I would also like to share with you our plans on the recommendations' implementation. The UPR process of Ukraine was largely based on consultations with and active role of different governmental bodies and non-governmental organizations. The dialogue with civil society was a great opportunity to assess the human rights situation in Ukraine in a self-critical manner. We believe that this was a good experience that is worth to be continued.

Thus in order to establish an effective follow-up procedure under the aegis of the Ministry of Justice of Ukraine a working group was created to elaborate the mechanism and, and I would say, an action plan for the implementation of the UPR recommendations. This group includes not only representatives of the relevant state institutions but also representatives of non-governmental organizations.

The Government welcomes the civil society participation in and its contribution to the implementation process. Only by working together can we achieve positive changes for everyone.

To finalize, **Mr. President**, I wish to emphasize that we are aware of the human rights challenges but we have persevered diligently to address them.

Challenges to the implementation of human rights are, at the same time, our future priorities. Ukraine's work on human rights remains based on the universality and indivisibility of human rights, the principle of non-discrimination and equal opportunities, and transparency. Communication and sharing experiences and best practices continue to be key principles.

We firmly believe that dialogue with all UN member states in this global forum keeps us focused and self-critical and forces us to keep looking into possible improvements. We also admit that UPR mechanism creates an environment in which we can genuinely contribute to strengthening national human rights all over the world.

Thank you.