

United Nations High Commissioner for Refugees

Ukraine

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to Ukraine.

Treaty Body Concluding Observations

**CESCR, E/C.12/UKR/CO/5, 39th session
23 November 2007**

49. The Committee recommends that the State party take immediate measures to ensure adequate occupancy levels and access to safe water, sanitation, food, bedding, natural light, ventilation, and out of cell activities in prisons, detention centres and centres for refugees and asylum seekers, as well as adequate treatment and medication for prisoners and detainees suffering from tuberculosis and other diseases.

43. The Committee recommends that the State party continue and further intensify its efforts to combat trafficking in persons, by ensuring adequate access to victim assistance, rehabilitation and reintegration, and witness protection programmes, providing mandatory training for the police, prosecutors and judges on the strict application of criminal law provisions punishing the crime of trafficking, ensuring a restrictive licensing policy and effective inspections for tourist and marriage agencies, and allocating sufficient funds for the implementation of the State Programme to Combat Trafficking in Human Beings.

**CAT/C/UKR/CO/5, 38th session
3 August 2007**

20. The Committee is concerned about the discrimination that asylum-seekers face on grounds of nationality and the absence of proper asylum procedures, leading to the reported refoulement of asylum-seekers without appropriate consideration of their individual cases. It also notes with concern the poor and overcrowded conditions of detention for asylum-seekers.

The State party should adopt the draft laws “On Refugees, Persons Eligible for Complementary and Temporary Protection” and “On Introduction of Amendments to the Law of Ukraine on the Legal Status of Foreign and Stateless Persons”. The State party should also adopt asylum procedures in accordance with international standards as well as improve detention conditions, including by the use of alternative measures.

CERD/C/UKR/CO/18, 69th session
8 February 2007

4. *The Committee notes with appreciation that the State party has withdrawn any deadlines for the submission of asylum applications under its Refugee Law.*

12. *The Committee is concerned about allegations of police abuse of Roma, including arbitrary arrests and searches and pre-trial abuse based on racially motivated presumptions of guilt, and of persons belonging to other minorities, asylum-seekers and non-citizens of different ethnic origin (arts. 5 (b), 6 and 7).*

The Committee urges the State party to further intensify its human rights training for the police and to facilitate the reporting of cases of police abuse of Roma and other persons of different ethnic origin, effectively investigate complaints and bring those found guilty of such acts to justice, provide adequate protection and compensation to victims, and include in its next report detailed information on the number and nature of cases brought, convictions obtained and sentences imposed, and the protection and remedies provided to victims of such acts. In this regard, it refers the State party to paragraphs 12-14 of general recommendation 27 on discrimination against Roma and paragraphs 18-24 of 30 (2004) on discrimination against non-citizens.

13. *The Committee notes with concern that the Refugee Law does not contain standardized refugee determination criteria, a definition of temporary humanitarian protection, or safeguards concerning the withholding of personal data from the authorities of the country of origin to which a rejected asylum-seeker might be deported (art. 5 (b)).*

The Committee recommends that the State party consider amending its Refugee Law in order to clearly define standardized refugee determination criteria and to include the concept of temporary protection on humanitarian grounds, as well as safeguards on the withholding of personal data from country of origin authorities.

17. *While noting recent measures taken by the State party to improve the situation of refugees and asylum-seekers, the Committee expresses concern about their limited access to employment and housing, as well as about the reportedly poor conditions in detention centres (art. 5 (e) (i) and (e) (iii)).*

The Committee recommends that the State party support and increase the number of social centres assisting refugees and asylum-seekers to find employment and housing, and that it ensure that centres for refugees and persons detained under the aliens legislation provide the necessary facilities, in conformity with the standards set out in general recommendation 30 (2004) on discrimination against non-citizens.

CRC/C/15/Add.191
9 October 2002

62. *The Committee welcomes the enactment of the Refugee Law 2001, but remains concerned that:*

(a) As noted in the State party's report, some refugee children, especially older ones, do not attend school which prevents them from obtaining an education and leads to their isolation in Ukrainian society;

(b) The registration and refugee status determination procedures have been suspended since August 2001, pending the implementation of the new refugee law;

(c) Nutritional and medical care provided to illegal migrants, including children, who are detained at points of entry and held on the premises of the border guards, is inadequate.

63. The Committee recommends that the State party:

(a) Develop a procedure to attend to the specific needs and situation of unaccompanied child refugees, as suggested in the State party's report;

(b) Implement the Refugee Law 2001;

(c) Ensure that asylum-seeking, refugee and illegal immigrant children have access to education and health services;

(d) Ensure adequate nutritional and medical care for children detained in border guard facilities;

(e) Accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

- End of excerpts -

**Protection Operation and Legal Advice Section
Division of International Protection Services
UNHCR
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