

**Office of the United Nations
High Commissioner for Human Rights**

**Compilation of recommendations of the United
Nations human rights mechanisms addressed to
Ukraine**

September 2017



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This booklet, prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), contains a thematic compilation of the latest recommendations made to Ukraine by the UN Human Rights mechanisms – treaty bodies, special procedures and the universal periodic review (UPR). It reflects information available as of September 2017.

Theme 1: Administration of Justice, Accountability and the Rule of Law

1.1. Judicial system and access to justice

Treaty bodies

HRC:

- Ensure that judges are not subjected to any form of political influence in their decision-making and that the process of judicial administration is transparent. Adopt a law providing for clear procedures and objective criteria for the promotion, suspension and dismissal of judges. Ensure that prosecuting authorities are not involved in deciding on disciplinary actions against judges and that judicial disciplinary bodies are neither controlled by the executive branch nor affected by any political influence. Ensure that prosecutions under article 365 of the Criminal Code fully comply with the requirements of the Covenant.
- Ensure that judges and law enforcement officers receive adequate training to enable them to interpret domestic law in the light of the Covenant and disseminate knowledge of the provisions of the Covenant among lawyers and the general public to enable them to invoke its provisions before the courts.
- Reconsider its position in relation to Views adopted by the Committee under the First Optional Protocol. Take all necessary measures to establish mechanisms and appropriate procedures, including the possibility of reopening cases, reducing prison sentences and granting *ex gratia* compensation, to give full effect to the Committee's Views so as to guarantee an effective remedy when there has been a violation of the Covenant, in accordance with article 2, paragraph 3, of the Covenant.

CESCR:

- Address the root causes of corruption and adopt all necessary legislative and policy measures to effectively combat corruption and related impunity and ensure that public affairs, in law and in practice, are conducted in a transparent manner. Make politicians, members of parliament and national and local government officials aware of the economic and social costs of corruption, and make judges, prosecutors and the police aware of the need for strict enforcement of the law.

CRPD:

- Ensure equal access to judicial and administrative proceedings to all persons with disabilities, including access to court buildings to persons with physical impairments and to documents in accessible formats.

CEDAW:

- Remove any possible barriers to women's access to justice, including by ensuring free legal aid and waiving court costs for women without sufficient financial means.
- Enhance women's awareness of their rights and their legal literacy in all areas covered by the Convention, to enable them to claim their rights.

Special procedures

Working Group on arbitrary detention:

- Provide the legal and operational framework for an independent and effective judiciary, including through appropriate recruitment.

Other mechanisms

UPR:

- Continue strengthening the independence and impartiality of the judiciary and guaranteeing greater transparency of legal procedures.
- 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.
- Fulfil its commitments on the use of minority language in justice, in both criminal and civil procedures.

OHCHR:

- Ensure that judges, lawyers and other justice professionals are fully protected from threats, intimidation and other external pressures that seek to challenge and threaten their independence and impartiality.¹
- Ensure the safety of courtrooms, including judges, lawyers, accused, victims and witnesses through adequate and effective Police presence during trials with adequate support and resources allocation.²

1.2. Criminal justice and accountability

Treaty bodies

CAT:

- Further take effective measures to guarantee that all detained persons are afforded, by law and in practice, all the fundamental legal safeguards from the very outset of deprivation of liberty, in accordance with international standards, including through:
 - ensuring that all persons deprived of their liberty are informed about their rights and provided with prompt access to a lawyer in line with legislation in force; and providing adequate financial resources for the effective functioning of the free legal aid system;
 - ensuring that detained persons are able to notify a member of family or another appropriate person of their own choice;
 - establishing a single national register of detention that includes factual details about detention, including transfers, and ensure that it contains the exact date, time and place of detention from the outset of deprivation of liberty and not from the time of writing of the protocol of detention;
 - ensuring that resort to, and the duration of, administrative detention are reduced and that guarantees exist regarding all fundamental procedural rights.
- Carry out and complete prompt, impartial, thorough and effective investigations into all allegations of the use of violence, including torture and ill-treatment, by law enforcement officials and prosecute and punish those responsible, including for the Maidan, Odessa and Mariupol incidents and thereby combat impunity.
- Establish an independent monitoring and oversight mechanism to ensure such criminal investigations are prompt, effective and impartial.

SPT:

- Reform the system of legal aid so that legal representatives of detainees are remunerated for all work done on behalf of their clients rather than only for the work done on the specific charge brought against them.
- Ensure that legal advice provided through its legal aid system is prompt, professional and given in the interests of the detainee, not of the detaining authorities.
- Provide appropriate training by independent professional bodies to lawyers providing legal aid, including counsel representing detainees accused of crimes in connection with the armed conflict in eastern Ukraine.
- Ensure that all individuals, including those accused of offences under articles 109-115, 258, 260-261 and 437-438 of the Criminal Code, be tried without undue delay, in accordance with fair trial standards established by international human rights law.

¹ See OHCHR 14th Report and OHCHR Report on accountability for killings.

² See OHCHR 16th, 15th Reports.

- Guarantee to international and national monitors, including the national preventive mechanism, the United Nations human rights monitoring mission in Ukraine, the Special Monitoring Mission to Ukraine of the Organization for Security and Cooperation in Europe and the International Committee of the Red Cross, full and open access to all places where people are or may be deprived of their liberty, regardless of whether those places have been recognized officially as detention facilities.

Special procedures

Special Rapporteur on extrajudicial, summary or arbitrary executions:

- Establish a system of independent oversight of all those who perform law enforcement functions, focusing in particular on allegations of ill-treatment by the Security Service of Ukraine. This mechanism should be empowered to conduct investigations into suspected informal detention facilities, including by granting it comprehensive power of search within military or Security Service of Ukraine facilities.
- The investigations into the events at Maidan in February 2014 and into the events in Odesa on 2 May of the same year must be completed as a matter of priority, and accountability for loss of life established. The systemic failures that contributed to the eventual loss of life, such as the low profile of the police and the delayed response of the fire brigade in Odesa, should also be investigated and, where appropriate, rectified.
- The events at Ilovaïsk in August 2014 must be independently and impartially investigated and any perpetrators brought to justice.

Other mechanisms

UPR:

- 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.
- 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 pre-trial investigation procedures.
- 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.
- 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.

OHCHR:

- Ensure that investigations into the violent deaths which occurred during assemblies in 2014 and 2015, such as during the Maidan events and Odesa events, are completed in accordance with international standards and without undue delay.³
- Ensure consistency of practice regarding criminal charges against members of the armed groups and proportionality of sanctions applied to them to ensure their right to equal treatment before the law.⁴
- Ensure that trials of individuals on charges of affiliation with armed groups are carried out without undue delay and in full respect of all fair trial guarantees.⁵
- Refrain from automatic extension of measure of restraint of custodial detention for conflict-related detainees charged with affiliation with the armed groups.⁶
- Allow regular and unhindered access to external monitors to all places of deprivation of liberty and guarantee that interviews can be conducted in confidentiality.⁷

³ See OHCHR Report on accountability for killings.

⁴ See OHCHR 14th Report.

⁵ See OHCHR 18th, 17th Report.

⁶ See OHCHR 18th Report.

- Accede to the Rome Statute of the International Criminal Court.⁸

1.3. Juvenile justice

Treaty bodies

CAT:

- Establish a system of juvenile justice which promotes whenever possible alternative measures to deprivation of liberty and guarantees international standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), and the Guidelines for Action on Children in the Criminal Justice System.

SPT:

- Introduce alternatives to detention for juveniles, who ought to be detained only as a measure of last resort. Where detention is absolutely necessary, ensure that all juveniles benefit from educational and recreational opportunities, as well as peer interaction, on an equal basis.
- Clarify the role of child reception centres in its system of detention, providing an appropriate legal basis and adequate funding for institutions that have been kept open following the revision of the Criminal Procedure Code.

CRC:

- Put in place a juvenile justice system as outlined in the National Plan of Action for Children. To this end, it ensure that the new Concept of Development of Criminal Justice Regarding Juveniles in Ukraine, and the act to be adopted for its implementation, is fully in line with the Convention and with other relevant standards:
 - system that promotes alternative measures to deprivation of liberty, such as mediation, diversion, probation, counselling, community service or suspended sentences, wherever possible;
 - establish by law and in practice one minimum age of criminal responsibility in line with the Committee's general comment No. 10 (2007) on children's rights in juvenile justice;
 - consider abolishing, in line with the preceding recommendation, schools for social rehabilitation where children aged 11 to 14 can be remanded after having been found guilty for committing socially dangerous actions, and develop alternative measures of care;
 - strengthen the social support services, including through training and an increase in the number of specialists from social centres for families, children and young persons, to ensure psychosocial rehabilitation and programmes for children in conflict with the law;
 - ensure that the juvenile justice system in practice diverges from a punitive to a restorative juvenile justice.
- Initiate comprehensive trainings for members of the Police and the Ukraine State Border Guard Services on the prohibition of torture and ill-treatment and on international standards relating to juvenile justice.
- Ensure by law and in practice that all child victims or witnesses of crimes, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).

⁷ See OHCHR 19th, 18th, 17th, 16th, 15th, 14th Reports; OHCHR Report on conflict-related sexual violence; and OHCHR Report on accountability for killings.

⁸ See OHCHR Report on accountability for killings.

Theme 2: Torture and Ill-Treatment Prevention

2.1. Prevention of torture and ill-treatment

Treaty bodies

HRC:

- Reinforce measures to eradicate torture and ill-treatment, ensure that such acts are promptly, thoroughly, and independently investigated, that perpetrators of acts of torture and ill-treatment are prosecuted in a manner commensurate with the gravity of their acts, and that victims are provided with effective remedies, including appropriate compensation.
- As a matter of priority, establish a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment.
- Amend the Criminal Procedure Code to provide for mandatory video recording of interrogations, and pursue its efforts towards equipping places of deprivation of liberty with video recording devices with a view to discouraging any use of torture or ill-treatment.

CAT:

- Amend legislation to include a definition of torture in the Criminal Code that is in conformity with the Convention and covers all the elements contained in article 1, including the inflicting of torture by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity who can be prosecuted under article 127 of the Criminal Code, as well as the element of discrimination.
- Amend its legislation to ensure that persons who are alleged to have committed acts of torture are prosecuted under article 127 of the Criminal Code and that appropriate penalties for acts of torture are applied that are commensurate to the gravity of the crime, as set out in article 4 (2) of the Convention.
- Take the steps necessary to ensure in practice that confessions obtained as a result of torture and ill-treatment in all cases and in line with domestic legislation and the provisions of article 15 of the Convention are not admissible in court. Improve the methods of criminal investigation to end practices whereby confession is relied on as proof in criminal prosecution, in some cases in the absence of any other evidence.
- Establish a genuinely independent complaints mechanism to deal with cases of alleged torture and ill-treatment and ensure that persons who have complained about allegations of torture and ill-treatment are protected from reprisal.
- Provide the Committee with information on the results how many cases of violence by law enforcement officials have been investigated, prosecuted for acts of torture and ill-treatment and the penalties applied for those found guilty.
- Allocate additional financial and staffing resources to ensure the full and effective operation of the national preventive mechanism in compliance with the Optional Protocol to the Convention.
- Amend the legislation to include explicit provisions on the right of victims of torture and ill-treatment to redress, including fair and adequate compensation and rehabilitation, in accordance with article 14 of the Convention, while also bearing in mind recent events. In practice, provide all victims of torture or ill-treatment with redress, including fair and adequate compensation, and as full rehabilitation as possible, and should allocate the necessary resources for the effective implementation of rehabilitation programmes.
- Reinforce measures to prohibit and eliminate ill-treatment in the armed forces and ensure prompt, impartial and thorough investigation of all allegations of such acts; establish the liability of direct perpetrators and those in the chain of command, prosecute and punish those responsible with penalties that are consistent with the gravity of the act committed, make the results of such investigations public and provide the Committee with information on the follow-up to the confirmed cases of hazing in the army.
- Document and undertake prompt, thorough and impartial investigations into all acts of torture or other ill-treatment, including enforced disappearances and deprivation of life, committed in any territory under its jurisdiction; keep thorough documentation on the victims of inhuman treatment in areas not under

governmental control, on the type of violations of the Convention against them, damage inflicted, as well as the identity, if possible, of the alleged perpetrators to be able to fully exercise its duties under the Convention when effective control is re-established.

- Ensure that alleged perpetrators are duly prosecuted, including persons in position of command and those who provided legal cover for torture, and, if found guilty, are punished with penalties commensurate with the grave nature of their act.

SPT:

- Bring the provisions of the Criminal Code regarding the definition of torture into full compliance with article 1 of the Convention against Torture, thereby closing actual or potential loopholes for impunity.
- Ensure that the offence of torture is prosecuted under the provision relating to torture — rather than under those relating to abuse of power or authority — and that acts of torture and ill-treatment are made punishable by penalties commensurate with their gravity.
- Ensure that allegations of torture and ill-treatment, as well as suspicions of such acts arising from observable injuries and/or medical examinations, are systematically acted upon in the same way and that those making the allegations are protected from reprisals.
- Establish and maintain a national register of all allegations of torture and ill-treatment that includes the following information:
 - (a) the details of each allegation received;
 - (b) an indication of the institution or location where the act or condition is alleged to have taken place;
 - (c) the date when the allegation was received;
 - (d) the rationale for the decision taken in respect of the allegation and the date of that decision;
 - (e) any action taken as a result.
- Revise the multiple roles of public prosecution in order to enhance the independence and effectiveness of investigations into allegations of torture and ill-treatment.

Other mechanisms

UPR:

- Create an independent body to investigate cases of torture and guarantee compensation for victims.

OHCHR:

- Provide training on the Istanbul Protocol for medical personnel, forensic and legal professionals (judges, lawyers, prosecutors and police officers) and other officials, particularly those dealing with detainees and involved in the investigation and documentation of cases of torture, and to incorporate relevant training into the curricula of vocational, graduate and postgraduate educations of these professional groups.⁹
- Refer the victims to psychiatric forensic examination to establish the impact of an investigated crime, including sexual violence, as suggested by Istanbul Protocol.¹⁰

2.2. Conditions of detention

Treaty bodies

HRC:

- Take immediate and effective steps to ensure that cases of death in custody are promptly investigated by an independent and impartial body, that sentencing practices and disciplinary sanctions against those found responsible are not overly lenient, and that appropriate compensation is provided to families of victims.

CAT:

- Enhance steps to improve material conditions of detention in conformity with the appropriate provisions of the Standard Minimum Rules for the Treatment of Prisoners, including by renovating existing prison

⁹ See OHCHR Report on conflict-related sexual violence.

¹⁰ See OHCHR Report on conflict-related sexual violence.

facilities, closing those unfit for use, building new ones and ensuring the best existing international standards of living space.

- Improve the quality and quantity of food and water provided to detainees and prisoners and reduce current overcrowding.
- Examine the adequacy of health-care resources available in places of detention, ensure that the health-care services and medical assistance provided to detainees and prisoners are speedy and of high quality in order to bring conditions of detention in line with international standards.
- Provide detained persons with access to a medical examination by an independent doctor, and if requested, a doctor of their own choice; and ensure that all health-related tasks in police stations are performed by qualified medical personnel.
- Provide systematic medical screening on injuries and medical examination of detainees within 24 hours of their admission to prison; carry out periodic examinations of prisoners; make available appropriate treatments, especially to HIV/AIDS and tuberculosis infected detainees that include anti-retroviral medication; implement programmes related to treatment of tuberculosis and the distribution and monitoring of medicines taken in penitentiary facilities throughout territory.
- Provide training on the Istanbul Protocol for medical personnel and other officials involved in dealing with detainees and asylum seekers in the investigation and documentation of cases of torture.
- Establish an independent mechanism to deal freely and independently with any complaints of inmates about their treatment and conditions of detention, provide effective follow-up to such complaints for the purpose of remedial action and ensure that inmates who file complaints are not subjected to reprisals and that should any cases of reprisals arise, investigation should be launched, victims provided with protection and perpetrators sanctioned.
- Enhance steps to reduce inter-prisoner violence, including at the instigation of prison officials, by launching independent investigations into all such incidents, reducing overcrowding, improving prison management and the prisoner/staff ratio, training prison staff and medical personnel on communication with and managing of inmates and on detecting signs of vulnerability and by strengthening the monitoring and management of vulnerable prisoners.
- Ensure that all cases of deaths in custody are investigated promptly, thoroughly, effectively and impartially and that persons suspected of having committed acts of torture, physical or psychological ill-treatment and wilful negligence are prosecuted and, if found guilty, punished in accordance with the gravity of their acts. Allow independent forensic examinations of all cases of death in custody, permit family members of the deceased to commission independent autopsies and ensure that their results are accepted by the State party's courts as evidence in criminal and civil cases.
- Continue to resort more to alternatives to incarceration, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

SPT:

- Continue the programme of renovating ageing detention facilities and provide the SPT with information concerning progress made in the framework of that programme.
- Ensure the independence of prison medical services by placing medical services in criminal justice institutions under the authority of the Ministry of Health, as that would help to ensure that persons in detention receive health care that is of a standard equal to that received by persons not in detention.
- Discontinue the practice of performing medical examinations through bars, since such examinations are demeaning by nature and lack the thoroughness envisioned in the Istanbul Protocol.
- Include routine mental health screenings in medical examinations given upon entry to a place of detention and incorporate assessments of mental health in daily check-ups conducted by adequately trained personnel. Ensure prompt access to mental health services and programmes, including access to a psychiatrist, upon referral by staff or through self-referral.

- Make drug rehabilitation services universally available to persons in detention and evaluate ways to improve communication and collaboration between health, psychological and social service providers in detention facilities.
- Strengthen the services provided to detainees in order to ensure that social assistance, such as supported living and counselling, is in place and coordinated in order to ease detainees' transition back into society and prevent their return to detention.
- Review and reform the system of record-keeping in order to ensure that records are, at all times, comprehensive, accurate, precise and up to date and that a third party may easily follow the movement, location and well-being of a person in detention without the need to locate and examine numerous files, papers or slips.
- Evaluate the system of transfers to ensure that transfers are made only after appropriate justifications and that they do not result in detainees being held in short-term detention centres, such as ITTs, for lengthy periods.

CRPD:

- Repeal laws that allow for deprivation of liberty on the basis of impairment. Take measures to implement its legislation providing for reasonable accommodation in prisons in order not to aggravate incarceration conditions based on disability.

Other mechanisms

UPR:

- Bring conditions of detention in line with international standards and ensure respect for the judicial guarantees of detainees.
- Strengthen the effectiveness and the independence of the mechanisms to supervise the observance of human rights of the inmates and the persons under police custody with the aim of preventing ill-treatment.
- Take further measures to ensure systematically safeguards against 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.
- 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.
- Take urgent measures to prevent cases of ill-treatment and torture by police officers and ensure their accountability for any criminal acts.

OHCHR:

- Close all *ad hoc* detention facilities and ensure that detainees are kept only in officially recognized and supervised places of detention, and that all their rights are fully respected. Guarantee that all detainees can communicate with and be visited by their families, have access to doctors and legal counsels.¹¹
- Guarantee independence of medical personnel in pre-trial detention facilities *vis-à-vis* the management of these facilities and subordinating them to the Ministry of Healthcare.¹²
- Ensure that medical personnel in pre-trial detention facilities (SIZO) provide medical certificates to detainees and register any recorded injuries with specific attention to the situation of female detainees.¹³

Theme 3: Fundamental Freedoms

3.1. Freedom of expression and protection of journalists

Treaty bodies

HRC:

¹¹ See OHCHR 7th Report

¹² See OHCHR 17th Report.

¹³ See OHCHR 16th Report.

- Ensure that journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. Any restrictions on the exercise of freedom of expression should comply with the strict requirements of article 19, paragraph 3, of the Covenant.
- Ensure that acts of aggression, threats and intimidation against journalists are investigated, prosecuted and punished and victims are provided with appropriate remedies.

Special procedures

Special Rapporteur on the right to freedom of opinion and expression:

- Guarantee that crimes against media professionals and opinion-makers will not go unpunished.
- Revise the legislation, especially on TV and radio broadcasting, to increase TV and radio broadcasting bodies' independence from political lobbies.
- Ensure that human rights defenders do not face harassment or discrimination and create a safe environment conducive to their work.

Special Rapporteur on minority issues:

- Ensure that all journalists are free to conduct their work in safety and without threat of detention or violence and that freedom of the media is protected. Censorship of media should be used only as a last resort and any restrictions on the media and freedom of expression must be legitimate, proportionate and in conformity with international standards. Avoid any propaganda or misinformation which may incite unrest or violence.

Other mechanisms

UPR:

- Further promote freedom and pluralism of the media as key elements for enabling the exercise of freedom of expression.
- 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.
- 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.
- Pursue measures against State organs which attempt to limit media and journalists.

OHCHR:

- Promptly proceed with the investigation into Pavel Sheremet's death on 20 July 2016 to ensure accountability and ensure effective investigation into the killing of Oles Buzyna on 15 April 2015.¹⁴

3.2. Freedom of peaceful assembly

Treaty bodies

HRC:

- Adopt a law regulating the freedom of assembly, imposing only restrictions that are in compliance with the strict requirements of article 21 of the Covenant.

Special procedures

Special Rapporteur on minority issues:

- Freedom of expression, assembly and the right to peacefully protest must be protected even in times of political unrest and must only be restricted under exceptional circumstances. All relevant authorities must uphold those rights for all. Violent protest, the forced or armed occupation of public buildings or territories, the formation of armed militia groups and activities to intimidate, threaten or coerce are not legitimate in a democratic society and should be addressed according to the law and international standards.

¹⁴ See OHCHR 16th Report.

Other mechanisms

OHCHR:

- Adopt legislation needed to ensure the right to peaceful assembly and review legislation and policies applicable to the management of peaceful assemblies to ensure their compliance with international human rights standards.¹⁵
- Provide adequate security to public assemblies throughout Ukraine ensuring the protection of participants, irrespective of their political views, and provide law enforcement personnel with methodological guidelines and training on handling rallies and protests in line with the international human rights standards.¹⁶

3.3. Freedom of thought, conscience and religion

Treaty bodies

HRC:

- Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and should neither be punitive nor discriminatory in nature or duration by comparison with military service.

3.4. Freedom of movement

Treaty bodies

CERD:

- Revise its regulations and ease freedom of movement for persons who would like to cross the administrative borders between non-government-controlled areas and Government-controlled areas.

Other mechanisms

OHCHR:

- Lift unnecessary and disproportionate restrictions on freedom of movement, and ensure that 1) civilians may cross the contact line by all types of vehicles, including public transportation; 2) civilians may transfer personal belongings necessary for their adequate standard of living; 3) permits for crossing the contact line can only be invalidated on proved legal grounds, with proper notification and an established appeal procedure.¹⁷
- Facilitate the movement of civilians across the contact line by increasing the number of transport corridors, especially in Luhansk region, restore public transportation between the checkpoints and nearest towns, equip all checkpoints with medical services, water, sanitation and heating facilities to create favourable conditions for crossing, including during winter.¹⁸
- Entrust one state entity with overall responsibility for maintenance of checkpoints, including administrative, sanitary and security measures, and ensure its financial capacity.¹⁹
- Collect sex- and age-disaggregated data on people crossing the contact line in order to provide adequate facilities for men, women and children, thus mitigating restrictions on freedom of movement.²⁰
- Establish and ensure effective functioning of a complaint procedure for victims of human rights violations at checkpoints.²¹
- Undertake comprehensive measures to protect civilians travelling across the contact line, ensure that crossing routes and entry-exit checkpoints are a no-fire area and enhance protection against sexual- or gender-based violence.²²

¹⁵ See OHCHR 8th Report.

¹⁶ See OHCHR 19th, 14th Reports.

¹⁷ See OHCHR 18th, 17th, 16th, 14th Reports.

¹⁸ See OHCHR 19th, 18th, 15th, 14th Reports.

¹⁹ See OHCHR 18th Report.

²⁰ See OHCHR 18th, 17th Reports.

²¹ See OHCHR 18th Report.

- Investigate, in a timely and impartial manner, allegations of human rights violations committed at so-called ‘internal checkpoints’ in the conflict zone, in particular, incidents involving the use of disproportionate and unnecessary force or violence by law enforcement.²³
- Train members of all State structures carrying out service at the entry-exit checkpoints on international human rights law principles pertaining to the freedom of movement, as well as prohibition of sexual violence.²⁴

Theme 4: Right to Health

4.1. Health care

Treaty bodies

CESCR:

- Take concrete measures to address the problem of the high health care costs, the shortage of certain drugs and the limited availability of health care services, especially in rural areas, in order to ensure de facto access to affordable, quality and timely health care and medical treatment for all segments of the population, including disadvantaged and marginalized individuals and groups.
- Expedite the process of establishing a mandatory national health insurance system in the context of ensuring a sustainable public social security system without prejudice to maintaining the guaranteed universal health care services provided free of charge.
- Progressively increase the health care expenditure as a proportion of gross domestic product (GDP) with a view to giving practical expression to its obligation in fulfilling the right to health under the Covenant and the State party’s Constitution.
- Take measures to further improve the infrastructure of the primary health care system, including dental care.
- Reverse the current negative trend in vaccination coverage.
- Step up its efforts with a view to further reducing the high rate of infant, child and maternal mortality, including by improving the quality, availability and accessibility of medical assistance throughout the country.
- Step up its measures with a view to improving its policies and strategies for disease prevention and detection, ensuring sufficiency and accessibility of specialized tuberculosis treatment and medication and adequate service delivery for patients at the primary health care level.

CEDAW:

- Ensure equal access to and the availability of mammograms and screening services for women throughout its territory.
- Provide effective access for women and girls to health-care information and affordable services, in particular regarding reproductive health and contraceptive methods, collect disaggregated data and provide training to medical and health professionals, in particular in rural areas.

CRC:

- Recommit to child immunization and provide factual information to the general public in this respect.
- Undertake a comprehensive study on adolescent health problems and use this as basis for formulating adolescent health policies and programmes in the school curriculum. It recommends that such programmes focus on the prevention of teenage pregnancies, unsafe abortions and sexually transmitted diseases, taking into account the Committee’s general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. Invest in adolescent-health-care personnel, facilities and services, especially in rural areas. Take urgent measures to reduce maternal deaths relating to teenage

²² See OHCHR 18th Report.

²³ See OHCHR 19th Report.

²⁴ OHCHR Report on conflict-related sexual violence.

abortion decisions and ensure by law and in practice that the views of the child always be heard and respected in abortion decisions.

- Develop a comprehensive national child mental health policy, along with all obligatory components of core recommendations by WHO, including mental health promotion, counselling, prevention of mental health disorders in primary health care, schools, communities, and child-friendly outpatient and inpatient child mental health services. Strengthen efforts aimed at suicide prevention among children and youth, including by increasing available psychological consultation services and social workers in schools.

Other mechanisms

OHCHR:

- Ensure that legislation is in place to support health care reform in a manner which guarantees accessibility and availability of quality health services for all Ukrainian citizens, without discrimination.²⁵

4.2. HIV and AIDS

Treaty bodies

CESCR:

- Continue its efforts to prevent and combat HIV/AIDS, including through the effective implementation of the National HIV/AIDS Programme 2014–2018, *inter alia* by:
 - (a) improving the coverage of adequate confidential testing throughout the country;
 - (b) enhancing its counselling and referral services;
 - (c) addressing shortages of antiretroviral drugs;
 - (d) providing for access to adequate laboratory monitoring for HIV-infected persons;
 - (e) progressively increasing the antiretroviral therapy coverage, including by considering the introduction of generic-based antiretroviral drugs.

4.3. Drug use prevention, treatment and care

Treaty bodies

CAT:

- Provide appropriate health-care, psychological support services and rehabilitation to drug dependent persons, including effective drug dependence treatment such as opioid substitution therapy (OST).
- Allocate financial resources for the proper operation of opioid substitution therapy (OST) and needle and syringe exchange (NSE) programmes and increasing their coverage, ensuring *inter alia* better access to such programmes in prison settings.
- Address the discrimination against drug dependent persons.
- Conduct awareness-raising programmes about the serious health risks associated with drug use.

CRC:

- Develop specialized youth-friendly drug-dependence treatment and harm-reduction services for children and young people, ensure that criminal laws do not impede access to such services and address root causes of substance use and abuse among children and youth.
- Ensure that health and law enforcement personnel working with at-risk children are appropriately trained in HIV prevention and that abuses by law enforcement against at-risk children are investigated and punished.

Theme 5: Prevention of Gender-Based and Domestic Violence

Treaty bodies

HRC:

²⁵ See OHCHR 19th Report.

- Strengthen its efforts to prevent and combat all forms of domestic violence, including by adopting a new law on prevention of domestic violence and ensuring its effective implementation. Facilitate complaints from victims, ensure that they are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate sanctions and that victims, including children, have access to effective remedies and means of protection, including an adequate number of shelters available in all parts of the country.

CEDAW:

- Criminalize domestic violence and accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.
- Provide mandatory capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of legislation criminalizing violence against women and on gender sensitive procedures to deal with women who are victims of violence, in particular women with disabilities.
- Make sure that mediation is not used in situations of domestic violence.
- Adopt legislation requiring that gender-based violence against women in the domestic sphere be taken into account in child custody or visitation decisions, and raise the awareness of the judiciary of the relationship between such violence and children’s development.
- Provide adequate redress, assistance and protection to women who are victims of violence, including women and girls with disabilities, by establishing shelters, including in rural areas, and enhancing cooperation with non-governmental organizations that provide shelter and rehabilitation to victims.
- Collect statistical data on domestic, sexual and other forms of violence against women, disaggregated by age and the relationship between the victim and the perpetrator.
- Ensure that women and girls have access to justice and adopt gender-sensitive procedures to investigate sexual violence, conduct training and adopt gender-sensitive codes of conduct and protocols for the police and the military and build the capacity of the judiciary so as to ensure its independence, impartiality and integrity.
- Amend article 152 of the Criminal Code so as to incorporate provisions on sexual violence, including a broader definition of rape, in line with international standards, which will include the conditions “committed by force, or by threat of force, or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or another person, or by taking advantage of a coercive environment or committed against a person incapable of giving genuine consent” in order to ensure accountability for conflict-related sexual violence.

CAT:

- Amend its legislation in order to strengthen efforts to specifically criminalize, prevent and combat domestic violence and ensure the effective implementation of legislation on domestic and family violence in practice.
- Facilitate and ensure that complaints from victims are promptly, thoroughly and impartially investigated, that perpetrators are prosecuted and, if found guilty, punished with appropriate and effective penalties.
- Ensure that victims of domestic violence benefit from protection and effective remedies, including access to medical and legal services, psychosocial counselling, to redress, including rehabilitation, and to safe and adequately funded shelters in all parts of the country.
- Ensure that law enforcement and judicial authorities as well as medical and social workers are provided with appropriate training to deal with cases of domestic violence; continue to enhance awareness-raising efforts in order to sensitize members of the general public.
- Compile and provide the Committee with disaggregated data on the number and nature of complaints, investigations, prosecutions and sentences handed down for acts of domestic violence, on the provision of redress to the victims and on the difficulties experienced in preventing such acts.

Other mechanisms

UPR:

- Continue to strengthen provisions to address domestic violence, and programmes to reinforce mechanisms for the protection of women and children.
- 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.

OHCHR:

- Amend the Criminal Code of Ukraine to align it with international standards and practice and to ensure accountability for sexual violence. In particular, the following changes should be introduced:
 - in article 152 the following definition of rape could be suggested as all-encompassing and gender neutral: “penetration, however slight, of any part of 35 the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent”. Such definition would also encompass acts that are currently included in article 153 “unnatural gratification of sexual desire”;
 - in articles pertaining to sexual violence the following conditions should be included “committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or was committed against a person incapable of giving genuine consent”;
 - at the very least, in articles 152 and 153 replace the notion of “helpless condition” to “vulnerable condition” as used in articles 149 and 303.²⁶
- Strengthen accountability and protection services to ensure survivors’ rights to seek redress and reparation for sexual and gender-based violence.²⁷
- Issue instructions for law enforcement bodies on how to investigate cases of conflict-related sexual violence, ill-treatment and torture based on international standards and practice (e.g. Istanbul Protocol and the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict) and investigate all such allegations with due regard to the rights of survivors.²⁸
- Improve the collection of statistics on cases of domestic violence by registering the use of weapons in cases of domestic violence, separating cases of domestic violence committed in families of armed forces personnel or IDPs.²⁹
- Ensure that conflict-related sexual violence is comprehensively addressed in any future transitional justice processes, encompassing the full range of judicial and non-judicial measures, including prosecution initiatives, truth-seeking, reparations programmes, institutional reform or an appropriate combination thereof, as well as comprehensive national consultations, particularly with those affected by human rights violations and abuses.³⁰

Theme 6: Combatting Trafficking in Persons

Treaty bodies

HRC:

- Continue its efforts to prevent and eradicate trafficking in persons, including by effectively implementing the existing relevant legal and policy frameworks and by cooperating with neighbouring countries.

²⁶ See OHCHR Report on conflict-related sexual violence.

²⁷ See OHCHR 16th Report; OHCHR Report on conflict-related sexual violence.

²⁸ See OHCHR Report on conflict-related sexual violence.

²⁹ See OHCHR Report on conflict-related sexual violence.

³⁰ See OHCHR Report on conflict-related sexual violence.

- Ensure that allegations of trafficking in persons are thoroughly investigated, that those responsible are brought to justice, and that victims receive adequate medical care, free social and legal assistance and reparation, including rehabilitation. Ensure that legal alternatives are available to victims that may face hardship and retribution upon removal.

CAT:

- Continue taking measures to prevent and eradicate human trafficking, including vigorous enforcement of anti-trafficking legislation and provide sufficient funds for the financing of the State Targeted Social Programme.
- Promptly, effectively and impartially investigate, prosecute and punish trafficking in persons and related practices.
- Provide effective remedy to all victims of the crime of trafficking, ensuring prompt and adequate psychological support, medical care, access to welfare benefits, adequate shelter and work permits, irrespective of their ability to cooperate in the legal proceedings against traffickers.
- Provide the Committee with comprehensive disaggregated data on the number of investigations, prosecutions and sentences handed down for human trafficking and on the provision of redress to the victims.
- Provide specialized training to the police, prosecutors and judges, migration officers, border police, community support officers, psychologists and trainers, including on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on effective prevention, investigation, prosecution and punishment of acts of trafficking and continue nationwide awareness-raising and media campaigns about the criminal nature of such acts.
- Enhance international cooperation to combat human trafficking, in particular for the purpose of sexual and labour exploitation; including through bilateral agreements, and monitor its impact.

CEDAW:

- Address the root causes of trafficking by enhancing educational and economic opportunities for women and girls and their families, thereby reducing their vulnerability to exploitation by traffickers.
- Build the capacity of the judiciary, law enforcement officers, border control officers, social workers and health workers with respect to the early referral of victims of trafficking and gender-sensitive ways to deal with them.
- Provide shelters and crisis centres specific to women, exit and reintegration programmes and alternative income-generating opportunities for women who are victims of trafficking and for women who wish to leave prostitution.

CRC:

- Continue to step up its efforts in harmonizing national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography, in particular as it relates to child prostitution and all other forms of sexual exploitation of children.
- Intensify public information and awareness campaigns on trafficking of children, focusing on the risks of being enticed through, inter alia, promises of work abroad, modelling, studies abroad and participation in beauty contests.

Other mechanisms

UPR:

- Allocate adequate resources to ensure the effective implementation of the Combatting Trafficking in Persons Act (2011).
- Redouble the 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.

- 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.

Theme 7: Equality and Non-Discrimination

7.1. Non-discrimination policies

Treaty bodies

HRC:

- Step up its efforts to ensure that alleged hate crimes are thoroughly investigated, that perpetrators are prosecuted under article 161 of the Criminal Code and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated.
- Strengthen its efforts to combat hate speech and racist attacks, by, inter alia, instituting awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity.

CESCR:

- Expedite the adoption of amendments to the anti-discrimination legislation to ensure adequate protection against discrimination in line with article 2(2) of the Covenant, taking also into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, inter alia by:
 - (a) explicitly including all the prohibited grounds for discrimination listed in article 2(2) of the Covenant in its comprehensive anti-discrimination law;
 - (b) prohibiting discrimination in both public and private spheres;
 - (c) providing for a reversal of the burden of proof in civil proceedings;
 - (d) adding provisions for access to redress in cases of discrimination, including through judicial and administrative procedures, and providing for effective and appropriate remedies for victims of discrimination.
- Establish a statistical data collection system to assess the enjoyment of economic, social and cultural rights situation by disadvantaged and marginalized individuals and groups, including but not limited to Crimean Tatars, persons with disabilities, persons living with HIV/AIDS and non-citizens, with due respect for the principles of confidentiality, informed consent and voluntary self-identification of persons as belonging to a particular group.

CERD:

- Include national origin and descent as grounds for racial discrimination in the act on the principles of preventing and combating racial discrimination and in other legislation relating to the prohibition of racial discrimination.
- Take measures to ensure an effective application of article 161 of the Criminal Code, by removing requirements that prevent its application. Ensure that complaints of racial discrimination are properly registered by the police as such and duly investigated and that the final decision as to whether the crime has a discriminatory racial motive is left to the appreciation of the courts.
- Collect and make available disaggregated statistics on the number of reported cases relating to hate speech and hate crimes, the number and the nature of hate-speech and hate crimes committed, the number of cases brought to court and the origin and outcome of those cases.
- Condemn the practice of denying certain groups access to public places and to investigate all reports of denial of access to public facilities.
- Take appropriate measures to strongly condemn and distance itself from racist hate speech and discriminatory statements in public discourse, including by public figures, and call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred.
- Increase public awareness-raising campaigns and other measures to counter incitement to hatred and hate crimes and continue to train law enforcement officials in this area.

- Give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009.

CRC:

- To incorporate in domestic legislation the principle of non-discrimination and the prohibition of discrimination against children on any of the grounds spelled out in article 2 of the Convention.
- To take effective measures to combat racist and xenophobic activities among youth, including by identifying as priority programmes for State funding in support of children's and youth organizations those that promote intercultural dialogue, tolerance and respect for diversity.

Other mechanisms

UPR:

- Adopt a comprehensive anti-discrimination law that addresses the worrying trend of incidents based on gender, sexual orientation, racial and ethnic discrimination.
- Remove from the legislation discriminatory provisions based on race, sex or sexual orientation, and adopt comprehensive anti-discrimination legislation.
- 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.
- Intensify its efforts to fight hate crimes and encourage senior State officials to take a clear position against these crimes and to publicly condemn racist acts of violence and other offences motivated by hatred.
- Continue moving forward with the adoption of effective measures that promote tolerance and respect for foreigners and members of national, racial and ethnic minorities.
- Continue the promotion of the rights of national minorities, as well as governmental policy on combating discrimination.

OHCHR:

- Ensure immediate and effective investigation of allegations of hate crimes based on ethnicity, religion, sexual orientation and gender identity or other grounds to prevent impunity and guarantee access of victims to legal redress.³¹

7.2. Equality between men and women

Treaty bodies

HRC:

- Adopt a State programme for equal rights and opportunities for women and men and other measures aimed at ensuring gender equality, and effectively implement them.
- Intensify its efforts to achieve equitable representation of women in Parliament and at the highest levels of Government within specific time frames, including through temporary special measures, to give effect to the provisions of the Covenant.

CESCR:

- Take steps to eliminate the persistent gender pay gap by combating vertical and horizontal segregation in employment that results in women occupying lower paid jobs and facing obstacles in the enjoyment of career opportunities on an equal footing with men.
- Taking into account the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights: take measures to change society's perception of gender roles, including through awareness-raising campaigns on shared family responsibilities for men and

³¹ See OHCHR 19th, 14th Reports.

women and about equal career opportunities as a result of education and training in fields other than those traditionally dominated by either sex.

CEDAW:

- Amend the Equal Rights and Opportunities Act to strengthen the complaints and sanctions mechanisms and to bring the definition of discrimination against women into conformity with the Convention, by encompassing both direct and indirect discrimination.
- Adopt a national plan of action with a comprehensive approach to gender equality and to allocate sufficient resources for its implementation.
- Strengthen the national mechanism for the advancement of women by raising its authority and provide it with adequate resources.
- Adopt and implement temporary special measures, including time bound goals and quotas, directed at achieving the substantive equality of women and men in all areas in which women are underrepresented or disadvantaged, including in public and political life, education, health and employment. Adopt legislation to encourage the use of temporary special measures covering both the public and private sectors.
- Use innovative measures targeting the media to strengthen understanding of the substantive equality of women and men and to enhance positive and non-stereotypical portrayals of women in all areas, with special emphasis on the education system.
- Intensify its efforts to review school curricula and textbooks to eliminate negative stereotypes of women and girls.
- Ensure that the same curricula apply to boys and girls so that it offers the same “life skills lessons” to boys and girls, including through the use of temporary special measures.
- Ensure the equal access of women to the universities of the Ministry of the Interior and Defence, including through the adoption of temporary special measures.
- Review the list of prohibited occupations and sectors and promote and facilitate the access for women to previously prohibited occupations by improving working conditions and occupational health and safety.
- Reinforce legislation to specifically define and prohibit sexual harassment in the workplace.
- Effectively guarantee the principle of equal pay for work of equal value, adopt measures to narrow and close the gender pay gap and regularly review wages in sectors in which women are concentrated.
- Develop a gender indicator system to improve the collection of data, disaggregated by sex and other relevant factors, necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women’s enjoyment of their human rights. In this regard, the Committee draws the State party’s attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from the relevant United Nations agencies and to enhance its collaboration with women’s associations that could assist in the collection of accurate data.

Other mechanisms

OHCHR:

- Adopt temporary measures to ensure greater participation of women in public life, including in Parliament.³²

7.3. Combatting discrimination based on sexual orientation and gender identity

Treaty bodies

HRC:

- State clearly and officially that any form of social stigmatization of homosexuality, bisexuality or transsexuality, or hate speech, discrimination or violence against persons because of their sexual orientation or gender identity is not tolerated.

³² See OHCHR 8th Report.

- Provide effective protection to LGBT persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity.
- Take all necessary measures to guarantee the exercise in practice of the rights to freedom of expression and assembly of LGBT persons and defenders of their rights.
- Amend order No. 60 and other laws and regulations with a view to ensure that:
 - (a) the compulsory confinement of persons requiring a change (correction) of sex in a psychiatric institution for up to 45 days is replaced by a less invasive measure;
 - (b) any medical treatment should be provided in the best interests of the individual with his/her consent, should be limited to those medical procedures that are strictly necessary, and should be adapted to his/her own wishes, specific medical needs and situation;
 - (c) any abusive or disproportionate requirements for legal recognition of a gender reassignment are repealed.

CEDAW:

- Provide the necessary protection against discrimination and violence against lesbian, bisexual and transgender women, in particular through the adoption of anti-discrimination legislation and the revision of the existing discriminatory laws that prohibit intersecting forms of discrimination, and provide access to shelter and assistance for lesbian, bisexual and transgender women who are victims of violence, as well as training to medical personnel and the police and law enforcement officials.

Other mechanisms

UPR:

- 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.

Theme 8: Protection of Vulnerable Groups

8.1. Protection of the rights of the child

Treaty bodies

CRC:

- Undertake a comprehensive review of all domestic legislation so as to ensure its full compliance with the Convention. Adopting a comprehensive child rights act which fully incorporates the provisions of the Convention and its Optional Protocols.
- Accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
- Strengthen the deinstitutionalization policy in accordance with the State Programme for reforming the child protection system (Res. No. 1242, Cabinet of Ministers) and:
 - (a) expand the placement of children in extended and foster families and other types of family-type placements;
 - (b) strengthen the legislative and regulatory framework in order to facilitate family reintegration;
 - (c) effectively monitor all care arrangements for children, particularly the placement of children with disabilities or special needs in institutions, including by strengthening the technical, human and financial resources of the Children's Affairs Offices;
 - (d) take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) and the Council of Europe Parliamentary Assembly resolution 1762 (2010) on children without parental care: urgent need for action in the implementation of the above recommendations.

- Prioritize the elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations study on violence against children, paying particular attention to gender.
- Develop a national strategy for the prevention of, support to and social reintegration of children in street situations.
- Increase the number and quality of available shelters and psychosocial rehabilitation centres for children in street situations.
- Ensure that children in street situations are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development.
- Enhance monitoring of child labour in the informal sector through use of the Child Labour Monitoring System operated by the International Program on the Elimination of Child Labour.
- Ensure the effective enforcement of applicable sanctions against persons violating existing legislation on child labour, in particular through training on international standards relating to child labour for inspectors of the State Labour Service and the law enforcement agencies. Consider expanding the mandate of State Labour Service to comprise also the informal sector of the economy and the family realm.
- Address poverty in families with children in the Poverty Reduction and Prevention Programme. Ensure that poverty reduction reforms focus on social assistance and benefit to low-income families and on child protection.
- Take the necessary measures for the creation of a national database with comprehensive data, disaggregated by age, sex, and ethnic and socio-economic origin, on the observance of children's rights. In particular, the system should provide adequate attention to children in vulnerable situations who may require special protection measures.

8.2. Protection of the rights of persons with disabilities

Treaty bodies

CRPD:

- Take all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.
- Replace Ukraine's guardianship and mental health law with supported decision making mechanisms and abolish all deprivation of legal capacity both fully and partially in relation to all persons with disabilities.
- Adopt measures for deinstitutionalization and to allocate sufficient resources for development of support services in local communities that would enable all persons with disabilities, to choose freely with whom, where and under which living arrangements they will live.
- Abolish the practice of sterilization without free and informed consent of the person with disability, and to abolish Article 281(5) of the Civil Code accordingly. Provide remedies to the victims of forced sterilization.
- Ensure access to premises open to the public for persons with disabilities, including children and especially deaf persons, blind persons and persons with intellectual disabilities, by providing sign language interpretation, Braille print signage, and augmentative and alternative communication, and all other accessible means, modes and formats of communication, such as pictograms. In doing so, the Committee recommends to consult its General comment no. 2 (2014) on accessibility.
- Allocate sufficient financial resources for training and hiring of sign language interpreters in the area of public services and ensure sufficient amount of broadcasting services accessible to persons with hearing impairments, take measures to invest in Braille and audio publications, as well as make available Ukrainian language audio description and captioning of video content.
- Efficiently implement its plan "Ukraine without Borders" and monitor implementation of accessibility standards by:
 - (a) clearly defining the organs with the mandate to monitor the implementation at all levels;
 - (b) capacity-building and continuous training in charge of monitoring;

- (c) involving organizations of persons with disabilities in the implementation and monitoring;
- (d) imposing effective sanctions on those who fail to apply accessibility standards.
- Amend the relevant laws so that all persons with disabilities can enjoy the right to vote and stand for election regardless of guardianship or other regimes. Ensure, through legislative and other measures, the accessibility of ballots and election materials, and of polling stations.
- Ensure the safety of all boys and girls with disabilities in its conflict affected areas by all possible means and especially those living in institutions to be among the priority groups to be evacuated in emergencies. Strengthen its efforts for deinstitutionalization and, in the interim period, provide boys and girls with disabilities in institutions with adequate standards of living including quality nutrition and access to privacy.
- Implement immediate protection measures for children with disabilities who remain institutionalized and take measures to eliminate any risks of organ trafficking involving children with disabilities.

CRC:

- Develop a comprehensive policy for the protection of the rights of children with disabilities and their equal access to educational, social and other services in their own family and community environment. In this endeavour, address all priorities highlighted in the WHO European Declaration on the Health of Children and Young People with Intellectual Disabilities and their Families (endorsed by member States of the WHO European Region in 2010).
- Develop and strengthen early intervention services for children with disabilities and support to their families to prevent the institutionalization of children, in cooperation with parents' organizations.
- Establish a monitoring system for residential institutions for children with disabilities which closely examines the situation of their rights in these facilities, and ensure that monitoring favours the participation of civil society organizations and incorporates concrete steps to follow up recommended actions.

CEDAW:

- Abolish the practice of forced sterilization without the free and informed consent of women with disabilities and provide remedies for victims of forced sterilization.

8.3. Protection of the rights of minorities and indigenous peoples

8.3.1. Policies on minority issues

Treaty bodies

CESCR:

- Ensure the meaningful and comprehensive participation of concerned minorities in the process of drafting the new language law with a view to giving expression to the linguistic diversity of different minorities.

CERD:

- Develop in consultation with all minority representatives, a clear and coherent institutional framework on minority issues and establish a specialized institution mandated to deal with minority issues and provide it with all necessary human and financial resources.
- Take all steps necessary to facilitate the access of minorities to justice, disseminate information on legislation relating to racial discrimination and inform the population residing in its territory about all the legal remedies available to them and of the possibility of obtaining legal assistance.
- Adopt legislation to protect indigenous peoples and guarantee their economic, cultural and social development.
- Respect the right of persons and peoples to self-identification and consider the issue of the Ruthenians' status, in consultation with their representatives.
- In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies.

Special procedures

Special Rapporteur on minority issues

- Ensure that any revisions to existing legislation or policy as well as newly adopted laws, including relating to the status and use of minority languages, fully conform with international standards relating to equality, non-discrimination and minority rights.
- Any revised language law must be carefully considered and sensitively addressed to ensure that it fully conforms with international standards for the protection of the linguistic rights of minorities, while equally not undermining the knowledge and use of Ukrainian. It should not weaken standards previously established in the 2012 Language Law.
- Recognize the wider scope of minority rights that includes, but goes beyond cultural issues and ensure appropriate ministerial-level attention to minority issues.
- Consider establishing a dedicated Ombudsperson or similar structure mandated to address minority issues and receive complaints from minorities.
- Establish a consultative and advisory body on minority with frequent and regular sessions, empowered to consider a wide range of issues of relevance to minorities, including issues of minority languages and education, religious affairs, and measures to address practically and prevent ethnic tensions from emerging.
- Begin a process of national dialogue with the objective of understanding the concerns and issues of all communities and ensuring that they are addressed appropriately and rapidly. Moderate voices must come to the fore. This must be achieved through decision making processes that are inclusive and which respect diversity and political structures that ensure the participation of all, including minorities.
- Consider the introduction of policies to guarantee representation of minorities in Parliament, which include reserved seats or the re-drawing of electoral districts to allow compact minority communities to elect their own representatives.
- Ensure that education curriculums reflect the diversity of Ukraine and enable students to learn about their own origins, cultures and religions, but also those of others, in a positive way that recognizes the contributions of all groups to society. Minority and mother tongue schools, while legitimately maintaining minority languages and cultures, should also be required to educate on the wider ethnic, national, social and religious make-up of society. National curriculum should include education on active citizenship.
- Act swiftly to protect all religious groups in all localities, their places of worship, monuments and burial sites, particularly during periods of heightened tension, and to prosecute the perpetrators of violations against them.

Other mechanisms

UPR:

- Promote education in the languages of the national minorities, including in the areas where the number of students may be decreasing.

8.3.2. Situation of Crimean Tatars

Treaty bodies

CERD:

- Increase its efforts, in consultation with Crimean Tatars community, to find durable solutions for an appropriate settlement of Crimean Tatars in Ukraine, including by providing or facilitating access to employment, social services and education and providing education in Tatar language to children.
- Strengthen the measures aimed at ensuring favourable conditions for Crimean Tatars to preserve, develop and promote their identity, language and culture.
- Provide adequate financial support to cultural organizations for their activities and create more opportunities for Crimean Tatars to promote and use their mother tongue in education and daily life.

Other mechanisms

UPR:

- No effort be spared for the improvement of the current status and living conditions of the Crimean Tatars along with the other minorities.

8.3.3. Situation of Roma

Treaty bodies

HRC:

- Address the segregation of Roma children in schools and their overrepresentation in special education schools by ensuring the effective enforcement of its anti-discrimination legislation and by raising teachers' and the general public awareness of these laws. Adopt an inclusive approach to the education of Roma children.
- Allocate sufficient resources for the effective implementation of the Strategy for the Protection and Integration of Roma.

CESCR:

- Collect statistical data, on the basis of voluntary self-identification, on the number of Roma living in the country and on their situation in the areas of employment, social security, housing, healthcare and education with a view to formulating, implementing and monitoring targeted and co-ordinated programmes and policies at national and regional levels aimed at improving their socio-economic situation.
- Adopt all appropriate measures to ensure access to adequate housing for Roma, *inter alia* by ensuring that adequate resources are allocated to increase the supply of social housing units and by providing appropriate forms of financial support, such as rental subsidies. Take steps to ensure that Roma communities are consulted throughout the eviction procedures, are afforded due process guarantees and are provided with alternative accommodation or compensation enabling them to acquire adequate accommodation, taking into account the guidelines adopted by the Committee in its general comment no. 7 (1997) on forced evictions.

CERD:

- Firmly combat any discriminatory act against Roma and investigate incidents of attacks and killings of Roma including the areas of eastern Ukraine that are under the control of the government of the State party.
- Firmly address employment challenges faced by Roma, in particular Roma women.
- Strengthen its efforts to provide all Roma with identity documents free of charge.
- Strengthen its measures to improve access to education for Roma children, reduce the illiteracy rate and the school attendance drop-out of Roma children.
- Provide all necessary resources for the implementation of the Strategy for the Protection and Integration of Roma National Minority until 2020 and its Action Plan including at the local level.

8.4. Protection of the rights of migrants, refugees, asylum seekers and stateless persons

Treaty bodies

HRC:

- Ensure that all persons applying for international protection are given access to a fair and full refugee determination procedure, are effectively protected against refoulement, and have access to counsel, legal aid and an interpreter.
- Ensure that detention of asylum-seekers is only used as a last resort, and where necessary, for as short a period as possible and provide alternatives to detention.
- Consider increasing the time span for filing appeals and ensure that rejected applicants are not deported immediately after the conclusion of the administrative proceedings before they can submit an appeal against a negative asylum decision.

CESCR:

- Take effective measures to secure access to adequate housing and food for asylum-seekers.
- Take all the necessary measures to guarantee that asylum-seekers have full access to free emergency medical assistance.
- Consider signing and ratifying the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

CAT:

- Ensure that all persons applying for international protection have access to a fair refugee determination procedure and are effectively protected against refoulement.
- Refrain from detaining asylum-seekers for prolonged periods, use detention only as a measure of last resort for as short a period as possible, promote alternatives to detention and revise policy in order to bring it in line with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum Seekers and Alternatives to Detention of the Office of the United Nations High Commissioner for Refugees.
- Consider increasing the time for filing appeals and ensure that rejected applicants are not deported immediately upon conclusion of administrative proceedings before they are able to submit an appeal against a negative asylum decision; make available legal aid and interpreters.

CERD:

- Improve its asylum procedure by: a) enabling access to its territory to persons in need of international protection; b) allocating adequate resources for professional interpretation at all stages of the refugee status determination procedure; and (c) providing training to the officers of the State Migration Service.
- Improve the reception conditions of asylum seekers and provide alternative housing solutions and support for those who cannot be accommodated.
- Firmly prevent and protect refugees and asylum seekers from any hate crime and hate speech and facilitate the integration of refugees including through access to the labour market and improve their access to education, language skills, and vocational training and employment services.
- Establish a mechanism to determine the status of persons in a situation of statelessness and facilitate their integration, including by providing them with valid documents and the necessary support.

CRC:

- Take prompt steps to put in place an effective data collection and information storage system with respect to the registration of refugees and asylum-seekers and ensure that official statistics on asylum-seeking children and refugees comprise all persons under the age of 18.
- Ensure that unaccompanied asylum-seeking children are promptly appointed a legal representative in order to effectively access the asylum procedure, as well as assistance and protection, including access to free interpretation.
- Ensure that no asylum-seeking or refugee child is deprived of his or her liberty.
- Amend existing regulations to ensure the birth registration of and issuance of birth certificates to children of asylum-seekers born in the State party.

Other mechanisms

UPR:

- 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.

8.5. Protection of the rights of internally displaced persons (IDPs)

Treaty bodies

CERD:

- Avoid linking social benefits to the IDPs status and the duty to register or to live in the areas controlled by the State party.
- Facilitate the registration of IDPs and strengthen its efforts to assist IDPs to obtain documentation.
- Facilitate access to housing for internally displaced persons or provide them with the assistance needed to find alternative housing.
- Make efforts to facilitate the integration of and durable solutions for IDPs.
- Adopt a national policy on IDPs and establish a national mechanism mandated to prevent and protect against internal displacement.

CEDAW:

- Address the specific needs of the different groups of internally displaced women who are subjected to multiple forms of discrimination, including widows, women with disabilities, older women, Roma women and lesbian, bisexual or transgender women, and provide long-term interventions to address the needs of internally displaced women and girls.
- Ensure that internally displaced women and girls have adequate access to health services, education, food, shelter, free movement, registration, social benefits and opportunities to secure justice and durable solutions, as well as sustainable employment opportunities.

CRPD:

- Systematically register internally displaced persons with disabilities and provide them with adequate standard of living.

Special procedures

Special Rapporteur on the human rights of internally displaced persons:

- Ensure as an urgent priority that appropriate accommodation, including winterized shelter, where necessary, is provided for all IDPs, to alleviate the severity of the challenges. Take every measure to ensure that no one lacks access to heated housing in which they can live in dignity.
- Provide free access to medicines for all IDPs who lack resources.
- Ensure access to kindergarten and school, and assist students to find places to continue higher education courses without additional costs.
- Give particular attention to those IDPs belonging to marginalized groups or minorities, such as Roma, to ensure that all have equal access to assistance and support services and that no discrimination exists with regard to their seeking and gaining assistance. Lack of documentation should not be a criteria for denying assistance and pro-active outreach to such population groups should be undertaken.
- Ensure that urban development and upgrading plans, as well as poverty reduction plans, include aspects specific to internal displacement through establishing integrated planning informed by displacement dynamics.
- Gather comprehensive data on the number, location and needs of IDPs. Full registration and profiling, including a comprehensive needs assessment, are essential. Data should also be gathered on the needs of families and communities hosting IDPs that may be significantly affected and also require assistance.

Other mechanisms

OHCHR:

- Adequately address the housing and accommodation situation of IDPs living in collective centres.³³
- Adopt legislative amendments which would allow IDPs and other internal migrants to fully exercise their voting rights.³⁴

³³ See OHCHR 18th Report.

³⁴ See OHCHR 18th Report.

- Ensure the effective functioning of the Unified Information Database of IDPs and provide special training on its use for social protection departments across Ukraine.³⁵

8.6 Protection of the rights of conflict-affected population

Treaty bodies

CEDAW:

- Strengthen its efforts to provide women affected by conflict, including women with disabilities, widows and women heads of household, with sustainable economic opportunities and effectively address all barriers to the equitable participation of women in the labour market.
- Pay due attention to the negative impact of the conflict on rural women and ensure that their specific needs are addressed and that they have equal access to basic services, infrastructure and new technologies.

CRPD:

- Prioritize persons with disabilities in the evacuation plans, including by training the personnel involved. Mainstream disability in all humanitarian aid channels and involve organizations of persons with disabilities in setting priorities on aid distribution.

Special procedures

Special Rapporteur on extrajudicial, summary or arbitrary executions:

- The difficult situation and suffering of the families of those who lost their lives should be acknowledged by the Government. Their safety, physical and psychological well-being, dignity and privacy must be protected, and they must be promptly informed of progress in the investigations. Public officials must treat them with respect.

Other mechanisms

OHCHR:

- Ensure that civilians enjoy general protection from the dangers arising from military operations, including the possibility to voluntarily and rapidly leave areas affected by violence, to this end, facilitate movement across the contact line and remove any obstacles to the free and safe passage of civilians and humanitarian assistance.³⁶
- Ensure that any evacuation or transport of children is done in their best interests, with a goal to keep families unified and to ensure, when separation is necessary, that children maintain the ability to have contact with family, as well as needed documents and plans for reunification with family as soon as safe options allow and within their best interests.³⁷
- Guarantee that residents of all villages in immediate proximity to the contact line can exercise their social and economic rights and enjoy their fundamental freedoms. In particular, either by establishing a new local administration or by extending powers of the existing ones, to ensure that executive authorities effectively operate in the villages of Pisky, Vodiane, Sieverne, and Opytne in Donetsk region.³⁸
- Prioritise demining activities, in particular, in places of expected returns of IDPs and conduct mine risk awareness outreach to children and communities.³⁹
- Develop a national mechanism to make adequate, effective, prompt and appropriate remedies, including reparation, available to civilian victims of the conflict, especially those injured and the families of those killed.⁴⁰

³⁵ See OHCHR 17th Report.

³⁶ See OHCHR 5th Report.

³⁷ See OHCHR 17th Report.

³⁸ See OHCHR 18th Report.

³⁹ See OHCHR 10th Report.

⁴⁰ See OHCHR 19th Report.

- Establish independent, transparent, and non-discriminatory procedures of documentation and verification of housing, land, and property ownership, and to establish a specific registry of destroyed or damaged housing and other property and a comprehensive legal mechanism for compensation, including for people residing in territory controlled by armed groups.⁴¹
- Guarantee all eligible citizens of Ukraine the right to receive their entitlements, including pension and social payments, regardless of IDP registration or place of residence with particular attention afforded to persons living in conflict-affected areas.⁴²
- Ensure the development and provision of timely, non-discriminatory and comprehensive assistance to all conflict-affected individuals, particularly injured civilians and victims of torture and conflict-related sexual violence, including medical, psycho-social and legal services, livelihood support, and other multi-sectoral services, taking into account the specific needs of persons with disabilities.⁴³
- Provide support and assistance, as well timely and adequate information, to the families of persons deprived of liberty by armed groups in connection with the conflict.⁴⁴
- Collect and make publicly available comprehensive and reliable gender-disaggregated statistics concerning IDPs and other people affected by the conflict (including those killed and wounded).
- Establish, with the participation of civil society, a mechanism for periodic review of the necessity of derogation measures and lift the derogation as soon as it is no longer strictly required; ensure full compliance of Ukrainian legislation with ICCPR provisions.⁴⁵

Theme 9: Implementation of the International Humanitarian Law and Peace Building

Treaty bodies

CEDAW:

- Place high priority on the meaningful and inclusive participation of women at all stages of the peace process and in all reconstruction initiatives, as well as in transitional justice processes, in particular decision-making, at the national and local levels, and develop capacity-building programmes for women seeking to participate in such processes.

Special procedures

Special Rapporteur on extrajudicial, summary or arbitrary executions

- All parties to the conflict should refrain from using weapons that do not allow sufficient precision in this context. They should also refrain from installing their weaponry or artillery pieces in the vicinity of inhabited areas, to say nothing of avoiding schools, hospitals, kindergartens or similar locations.
- Ratify the 2008 Convention on Cluster Munitions.
- All remaining illegal volunteer battalions and militias must be disbanded and disarmed, or effectively integrated into the regular armed forces, with effective control and accountability.
- Ultranationalist groups and other armed militias, such as Pravyi Sektor, Svoboda and “Self-defence”, should be declared illegal and effectively disarmed, disbanded and prosecuted, or brought under the control of the law. Acts of violence or intimidation by leaders and members of these groups must not be tolerated by the Government at any level, and their incitement to violence and hatred against other communities should be sanctioned.

Working Group on the use of mercenaries:

⁴¹ See OHCHR 19th, 18th, 17th, 16th, 15th, 14th Reports.

⁴² See OHCHR 19th, 18th, 17th, 16th, 15th, 14th Reports.

⁴³ See OHCHR 19th Report.

⁴⁴ See OHCHR 15th Report.

⁴⁵ See OHCHR 19th, 14th Reports.

- Refrain from indiscriminate shelling of populated areas, where civilians are at grave risks of death and injuries.
- Address the problem of impunity, investigation, prosecution and judicial proceedings against persons responsible for serious violations or abuses of international human rights law or international humanitarian law.
- Prosecute alleged mercenaries in accordance with article 447 of the Criminal Code of Ukraine.

Other mechanisms

OHCHR:

- Refrain from indiscriminate shelling of populated areas and locating military objectives within or near densely populated areas, medical facilities, and schools, in line with precautionary measures called for under international humanitarian law.⁴⁶
- Terminate all military activity around civilian infrastructure and objects indispensable to the survival of the civilian population, especially near power lines and water facilities.⁴⁷
- Ensure that no illegal armed formations are taking part in the hostilities on the side of Governmental forces.⁴⁸
- Report on, and investigate all cases and incidents of civilian casualties caused by military action.⁴⁹
- Establish a unified registry and determine legal status of civilians injured as a result of hostilities to ensure their rights to remedy and recognition, consider extending social entitlements to this category of persons.⁵⁰
- Improve the collection of forensic and preservation of other material evidence related to acts of arbitrary deprivation of life in the conflict zone, including documenting signs of torture or ill-treatment in accordance with international standards.⁵¹
- Establish a mechanism for investigation of cases of looting, seizure and military occupation of civilian property.⁵²
- Ensure that all military personnel carrying out service, in particular those in the conflict area, are aware of the legal procedure of detention and adequately supervised to abide by it.⁵³
- Implement demining activities along major transport routes to checkpoints to remove explosive remnants of war and improvised explosive devices from roadsides; clearly and properly mark territories which have not been demined; cease the practice of planting booby traps.⁵⁴
- Ensure free and unimpeded access for humanitarian actors to all necessary areas as well as the rapid and non-discriminatory delivery of humanitarian assistance, while adhering to international norms and ensuring the protection of humanitarian actors.⁵⁵
- Ensure that the bodies and remains of people killed as a result of hostilities are treated with due respect and dignity, providing free and safe access to areas where bodies are buried, ensuring their identification and return to their families.⁵⁶
- Establish an independent and impartial, centralized State authority for tracing missing persons and identifying human remains, with sufficient capacity and reach to carry out its mandate effectively.⁵⁷

⁴⁶ See OHCHR 18th, 17th, 16th, 15th Reports.

⁴⁷ See OHCHR 18th, 17th, 16th, 15th Reports.

⁴⁸ See OHCHR Report on accountability for killings in Ukraine.

⁴⁹ See OHCHR 6th Report.

⁵⁰ See OHCHR 17th, 16th Reports.

⁵¹ See OHCHR Report on accountability for killings in Ukraine.

⁵² See OHCHR 18th, 14th Reports.

⁵³ See OHCHR 19th Report.

⁵⁴ See OHCHR 13th Report.

⁵⁵ See OHCHR 17th, 16th, 15th Reports.

⁵⁶ See OHCHR 14th Report.

⁵⁷ See OHCHR 14th Report.

- Exchange information and otherwise cooperate to establish the whereabouts of people who went missing in the conflict zone, and provide unimpeded access of relatives of missing persons to the information related to the whereabouts and condition of their relatives.⁵⁸
- Commit to no amnesty being given to those persons suspected of, accused of, or sentenced to war crimes, crimes against humanity or gross violations of human rights, including conflict-related sexual violence, recalling that amnesties are impermissible if they interfere with victims' right to an effective remedy, including reparation, or restrict victims' and societies' right to know the truth about violations of human rights and humanitarian law.⁵⁹

Theme 10: National Human Rights Institution

Treaty bodies

HRC:

- Provide the Office of the Commissioner for Human Rights with additional financial and human resources commensurate with its expanded role, to ensure fulfilment of its current mandated activities and to enable it to carry out its new functions effectively.

CAT:

- Ensure that the Parliamentary Commissioner and other independent mechanisms regularly monitor and visit all places of detention and are able to carry out unannounced visits.

Special procedures

Special Rapporteur on extrajudicial, summary or arbitrary executions

- The mandate of the Office of the Ombudsperson must be strengthened, including by giving it clear oversight of all places of detention or interrogation, defined broadly as any place in which State officials have (or the Ombudsperson suspects that they have) the ability to detain an individual for any purpose, including questioning.

Other mechanisms

OHCHR:

- Step up the work of the Ombudsperson's regional representatives in the ATO area to ensure their pro-active role in promoting human rights compliance, in particular during detention and trials of conflict-related detainees, and rights of persons passing through checkpoints.⁶⁰
- Revise the procedure for selection and appointment of the Ombudsperson in line with the recommendations made by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions and include requirements to: publicize vacancies broadly, assess candidates on the basis of predetermined, objective and publicly available criteria, and promote broad consultation and/or participation in the screening, selection and appointment process.⁶¹
- Amend the law 'On the Civil Service' to prevent any interference in the independence of the Institution of the Ombudsperson, in accordance with the 'Paris Principles'.⁶²

⁵⁸ See OHCHR 8th Report.

⁵⁹ See OHCHR Report on conflict-related sexual violence.

⁶⁰ See OHCHR 19th Report.

⁶¹ See OHCHR 18th Report.

⁶² See OHCHR 15th Report.

Glossary

CAT – Committee against Torture

CEDAW – Committee on the Elimination of Discrimination against Women

CERD – Committee on the Elimination of Racial Discrimination

CESCR – Committee on Economic, Social and Cultural Rights

CRC – Committee on the Rights of the Child

CRPD – Committee on the Rights of Persons with Disabilities

HRC – Human Rights Committee

ICCPR – International Covenant on Civil and Political Rights

OHCHR – Office of the United Nations High Commissioner for Human Rights

SPT – Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

UPR – Universal Periodic Review

Working Group on the use of mercenaries – Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

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