



USAID
FROM THE AMERICAN PEOPLE



HUMAN RIGHTS IN UKRAINE 2017

REPORT OF HUMAN RIGHTS ORGANIZATIONS
UKRAINIAN HELSINKI HUMAN RIGHTS UNION

Summary

Kyiv 2018

УДК 342.7.03(477)
ББК 67.9(4Укр)400.7

The report outlines the human rights situation in Ukraine in 2017 and was developed by human rights non-governmental organizations and specialists in this area.

Based on the results of the review, the report provides recommendations to eliminate the violations of human rights and fundamental freedoms and to improve the situation as a whole.

Права людини в Україні – 2017. Доповідь правозахисних організацій / За ред.: О.М. Павліченко, О.А. Мартиненка / Українська Гельсінська спілка з прав людини. – К., 2018. – 40 с.



USAID
FROM THE AMERICAN PEOPLE

This publication is made possible by the generous support of the American people through the United States Agency for International Development (USAID) in the framework of the Human Rights in Action Program implemented by the Ukrainian Helsinki Human Rights Union. Opinions, conclusions and recommendations presented in this publication do not necessarily reflect the views of the USAID or the United States Government. The contents are the responsibility of the authors and UHHRU. The American people, through the USAID, have provided economic and humanitarian assistance worldwide for 55 years. In Ukraine, USAID's assistance focuses on three areas: Health and Social Transition, Economic Growth and Democracy and Governance. USAID has provided 1.8 bln. technical and humanitarian assistance to Ukraine since 1992. For additional information about USAID programs in Ukraine, please visit our website: ukraine.usaid.gov or our Facebook page at www.facebook.com/USAIDUkraine.

УДК 342.7.03(477)
ББК 67.9(4Укр)400.7



© Ukrainian Helsinki Human Rights Union, 2018

CONTENTS

Authors note	4
1. Human rights in the occupied territories of Donbas and Crimea.....	5
2. Observance of human rights in the security sector	25
3. Human rights in the activities of the anti-corruption bodies	25
4. Human rights in relations with the fiscal authorities	25
5. Right to life, protection from torture and ill-treatment	25
6. Right to a fair trial and legal assistance	25
7. Right to privacy	25
8. Freedom of movement	25
9. Right to liberty and security of person	25
10. Freedom of thought, conscience and religion	25
11. Freedom of peaceful assembly	25
12. Freedom of association	25
13. Property right	25
14. Decent living standards	25
15. Right to education	25
16. Countering discrimination	25
19. Participation in public affairs	25
18. Rights of internally displaced persons	25
19. Women's rights	25
20. Children's rights	25
21. Rights of persons with disabilities	25
22. Rights of persons with mental health problems	25
23. Human rights in the penitentiary system	25
24. Recommendations	25
25. Recommended source of information	91

ATHOURS NOTE

THIS REPORT outlines an overview of the most pressing problems in the area of the observance of human rights and fundamental freedoms in Ukraine caused by armed conflict. In 2017, the human rights situation was aggravated by at least the following factors:

- the State standards for the evacuation and escort of children and persons with disabilities during military operations, humanitarian situations and natural disasters were not developed;
- more than 200 thousand children needed urgent psychological help because of psychological traumas received as a result of death of relatives, being under fire, etc.
- the voting rights of internally displaced persons was not solved;
- the traditional system of criminal justice has not been adapted to the protection of fundamental human rights – with the limited justice for victims and impunity for perpetrators, what had the caused the lack of the state accountability to the citizens of Ukraine.

Presenting the overview of the annual course of events to a wide range of readers, the Ukrainian Helsinki Human Rights Union expresses its sincere gratitude for the comprehensive assistance in preparing the report “Human Rights in Ukraine — 2017” to the following organizations whose materials were used:

Організаціям, матеріали яких було використано:

- **International Foundation for Electoral Systems (IFES)**
- **Charity Foundation “East-SOS”**
- **Association of Ukrainian Monitors of Human Rights Observance in Law Enforcement**
- **Kharkiv Human Rights Protection Group**
- **Civic Network OPORA**
- **Donetsk regional organization of All-Ukrainian non-governmental organization “Committee of voters of Ukraine”**
- **United Nations Development Program in Ukraine**
- **The Secretariat of the Human Rights Ombudsperson of the Verkhovna Rada of Ukraine**
- **Ukrainian Centre for Economic and Political Studies named after Oleksand Razumkov**
- **The Office of the United Nations High Commissioner for Human Right**
- **Ilko Kucheriv Democratic Initiatives Foundation**
- **Kharkiv Institute of Social Researches**
- **Human Rights Information Center**
- **Center for Political and Legal Reforms**

We would like to extend our gratitude towards the authors and co-authors of some sections and the researchers whose materials were used:

Olena Ashchenko, Alla Blaha, Olha Vesnianka, Andrii Halai, Deziderii Herhei, Darka Hirna, Serhii Hlushko, Andrii Didenko, Zoya Zahynei, Yevhen Zakharov, Tetiana Kurmanova, Valeriya Lukashenko, Mariya Mendzhul, Bohdan Moisa, Dmytro Mrachnyk, Tetiana Pechonchyk, Yana Polianska, Olena Semorkina, Vyacheslav Tylchyk, Olha Tylchyk, Vadym Chovhan, Oleh Shynkarenko, Dmytro Yahunov.

The report would have been impossible without the support and assistance of **Vyacheslav Bodnar, Nataliya Kozarenko and Svitlana Rybalko.**

This publication has been funded by the **United States Agency for International Development (USAID)**. The content of the publication is solely the responsibility of the **Ukrainian Helsinki Human Rights Union** and the authors, and this publication does not necessarily reflect the views of the above-mentioned donors.

Oleksandr Pavlichenko, Oleg Martynenko

1. HUMAN RIGHTS IN THE OCCUPIED TERRITORIES OF DONBAS AND CRIMEA

VIOLATIONS OF FUNDAMENTAL HUMAN RIGHTS in the occupied territories of the Donbass were systemic in 2017, as a result of which the victims of the conflict were at least 644 civilians affected by the conflict: 112 dead and 532 wounded. Of these, 7.9% are children - five dead and 46 wounded. For more than 600 thousand civilians (including 100 thousand children) living in the «gray zone» on both sides of the collision line, living conditions have deteriorated due to damage to housing and civil infrastructure, restriction of freedom of movement, high unemployment, lack of public transport. At the state level, there was no unified record of civilian casualties and damaged property.¹

The greatest resonance was caused by arbitrary detention of citizens by the so-called LNR/DNR security forces under the guise of administrative arrest. The initial term for such arrest is 30 days with the possibility of extension up to 60 days.

Arbitrary detention is accompanied by a violation of the right to life of detainees and ill-treatment. Conditions of detainees are complicated by insufficient medical care, poor-quality food, and lack of proper heating. The same conditions are in correctional colonies. Moreover, the situation is aggravated due to the arbitrary violation of the right to freedom of those convicted persons who have served their sentence or were acquitted by the courts in the territory controlled by the Government after the conflict began.

Freedom of speech is disproportionate and unlawfully restricted, which makes it impossible to objectively disseminate socially important information. Some journalists and activists who actively articulate the Crimean topics in the media are included in the list of terrorists and extremists (<http://fedsfm.ru/documents/terrorists-catalog-portal-act>).

Repressive actions are accompanied by risks in the area of freedom of opinion that target children. Human rights activists managed to detect the involvement of approximately 200 children from uncontrolled areas of Donetsk and Luhansk regions in military training camps in Russia, or territory actually controlled by Russia (Abkhazia, the Crimea). Such actions with the children from the occupied territories, coupled with military patriotic rhetoric, pose a real risk for recruiting and training boys and girls to participate in illegal paramilitary groups.

The major hindrance of religious communities of Jehovah's Witnesses in the occupied territories was documented, among them searches, personal data collection, forcing to re-registration, confiscation of property.

Property rights of ordinary citizens are also threatened. The residents of Luhansk are concerned about the requirements of the authorities of the so-called LNR, according to whom private housing, left unattended for a period of 3 months, is subject to inventory with a possible transfer of ownership to other persons.

Providing vulnerable groups of population with access to social services and state assistance remains relevant. In particular, people with disabilities are not able to receive free medications, goods, and annual treatment, and disability benefits paid by the so-called LNR/DNR do not cover basic needs. In 2017, the Government of Ukraine continued the policy of restricting the payment of pensions, depending on the registration of persons as IDPs and their place of residence.

In the territory of the occupied Crimea, the mayor of resonant human rights violations cases was associated with the Crimean Tatars. The occupation authorities actively pursued attempts by the Crimean Tatars to conduct their own social, religious or cultural activity.

Among the large-scale violations of human rights in the Crimea is the military conscription of the Crimean residents to the Armed Forces of the Russian Federation, which violates the

¹ Report on the human rights situation in Ukraine from – 16 February 2017 to 15 February 2018 // Office of the United Nations High Commissioner for Human Rights [Electronic resource]

norm by international humanitarian law to force protected persons to serve in the armed forces of the occupying state. The number of conscript servicemen for two conscriptions in 2017 is about 4800 people. The third of conscripts were planned to be transferred from the Crimea to the mainland of the Russian Federation² for the first time.

² *ibid.*

2. OBSERVANCE OF HUMAN RIGHTS IN THE SECURITY SECTOR

IN 2017, the illegal actions of the SSU servicemen in the ATO zone were recorded. There were recorded complaints of the civilian population who were passing the checkpoints at entry/exit points. According to the complaints, the SSU servicemen forced residents to sign documents on readiness to collect information and transmit it to the SSU.³ Violations of the procedural rights of detainees – the conduct of interrogation without the presence of lawyers – were documented on October 12, 2017 as a result of the detention of the Crimean EuroMaidan and the Autonomous Opposition activists.⁴

As of November 1, 2017, the Military Prosecutor's Office was proceedings 118 crimes committed by the SSU servicemen (abuse of power, physical violence against detainees), and the personnel of military formations of Ukraine.⁵

Violations of human rights in the activities of the Armed Forces in 2017 mainly pointed to the unsatisfactory work of the command in the search for at least 425 servicemen who had disappeared. Service investigations on the disappearance of missing personnel are inefficiently carried out by the command of the military units or not carried out at all, and the payment of cash benefits to members of the families of missing persons is not made.

Special attention should be paid to the planning of military operations, since in 2017 most of them were not planned or controlled in a way that would minimize civilian harm from the use of weapons.⁶

The problem of accurately calculating losses and damages in the ATO zone is compounded by the ineffective work of the National Police: local police units often do not register crimes in the Unified Register of Pre-trial Investigations in order to reduce the negative statistics on crimes related to the ATO. Even though the crimes were registered in the URPI, there is no single approach to the qualification of crimes committed in the uncontrolled territories of the Donetsk and Luhansk regions (ORDLO). In a number of settlements in the ATO, there are no district police inspectors, or their work only a few hours a week. Citizens whose property has been destroyed or damaged do not have the opportunity to appeal to law enforcement agencies to initiate criminal proceedings.⁷

In 2017, the Ministry of Internal Affairs of Ukraine failed to secure a stable protection of peaceful assembly. At the same time, the MIA of Ukraine did not establish an appropriate legal framework for organizing the work of personnel during peaceful assembly, as it was planned in 2016. The units of the National Guard, the National and Patrol Police involved in community policing, behave without proper coordination, unified and clear action algorithms, and often do not have any identification signs.⁸

The police work with Roma communities still remains problematic.

In 2017, the MIA was heavily criticized because there is no unified register of non-residents who stay in the territory of Ukraine, and accordingly, there is lack of appropriate legislative initiatives to resolve the problems of this socially vulnerable group. The number of Roma ranges between 3,522,811 to 4,587,712 people.

³ Report on the human rights situation in Ukraine from – 16 August to 15 November 2017 // Office of the United Nations High Commissioner for Human Rights [Electronic resource] – Access mode: http://www.ohchr.org/Documents/Countries/UA/UAReport20th_UKR.pdf

⁴ Andrii Kovalenko. Human Rights Watch: SSU detained Crimean activists in the FSS style // Depo. War. [Electronic resource] – Access mode: <https://www.depo.ua/ukr/war/human-rights-watch-sbu-zatrimala-krimskih-aktivistiv-u-stili-fsb-20171013657196>

⁵ Ibid.

⁶ Universal Periodic Review, an alternate dimension. Compilation of alternative reports of the civil society // The third cycle of UPR in Ukraine, 2017 [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2017/04/UPR_3rd-cycle_CSOs_ua.pdf

⁷ Ibid.

⁸ Universal Periodic Review, an alternate dimension. Compilation of alternative reports of the civil society // The third cycle of UPR in Ukraine, 2017 [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2017/04/UPR_3rd-cycle_CSOs_ua.pdf

3. HUMAN RIGHTS IN THE ACTIVITIES OF THE ANTI-CORRUPTION BODIES

IN 2017, an important aspect in the activities of the National Bureau and the Specialized Anti-Corruption Prosecutor's Office was the issue of provoking bribery that affects human rights⁹. At the end of this year, the National Bureau and the SACPO, on the one hand, come into conflict with the Security Service of Ukraine (SSU) and the Prosecutor General's Office (PGO), on the other hand. As a result, the National Bureau suspended all operations of its covert agents. To resolve the conflict, amendments to the criminal and criminal procedural legislation of Ukraine should be introduced in order to distinguish between provocative activities and legitimate covert activities.

The NACP deserves more criticism in terms of the realization of human rights in 2017 owing to the inadequate fulfillment of its powers on the organization and control over the implementation of the State Anti-Corruption Strategy. In addition, at the end of January 2018, a new Anti-Corruption Strategy for the coming years was not introduced to the Verkhovna Rada of Ukraine.

By October 14, 2014, the NACP in accordance with its powers should have approved the methodology for determining the amount of in-kind contribution in support of a political party in the form of works, goods, and services. However, the draft of this Methodology was uploaded to the NACP website only at the end of 2017¹⁰.

An important aspect of observance of human rights is connected with the proper functioning in the Unified State Register of persons who committed corruption or corruption-related offenses, in compliance with the Art. 59 of the Law of Ukraine «On Prevention of Corruption». It should be emphasized that the NACP is reluctant to carry out the register of corrupt officials, and this anti-corruption body fails to take real action in order to begin its proper and legitimate functioning.

Verification of declarations of persons authorized to perform state or local government functions (e-declarations) is a sensitive measure in terms of observance of human rights, in particular, the right to privacy and the right to good governance through reacting to the illegally earned income of e-declarants. During 2017, the NACP was publicly accused of selectivity of approaches and manipulation of the results of inspections and their collection, which were made by the former Director of the NACP Financial Control Department, which became one of the first public exposers of internal corruption.

⁹ Hlushko Serhei. Provocation of bribery: there are justifying circumstances // Judicial and Legal Newspaper. Hlushko Serhei [Electronic resource] – Access mode: <http://sud.ua/ru/news/publication/113675-provokatsiya-podkupa-imeyutsya-opravdyvayuschie-obstoyatelstva>

¹⁰ Draft Methodology for determining the amount of in-kind contribution in support of the political party in the form of works, goods, and services // Official site of the NACP [Electronic resource] – Access mode: https://nazk.gov.ua/sites/default/files/metodologiya_ostannya_red.docx.pdf

4. HUMAN RIGHTS IN RELATIONS WITH THE FISCAL AUTHORITIES

DESPITE THE ATTEMPT to reduce the tax burden after the Revolution of Dignity, the Government's actions did not achieve clear and stable results. The Ukrainian tax system remains the most burdensome among the Central Asian and Eastern European countries and accounts for 51.9% of the taxation of commercial entrepreneurship by various types of taxes.¹¹

One of the facts of the violation of the rights of taxpayers to equality, regardless of property status, is the insufficient quality of tax legislation and its inconsistency with other legal acts. There are «white spots» that the fiscal authorities unlawfully apply.

Among other alarming signals is the lack of equality of taxpayers in applying to them «tax holidays for small businesses for 2017-2021 years.» However, in practice, most taxpayers can not take advantage of this right because there are extremely tight conditions. Therefore, it is obvious that «steps towards business» are illusions.

The tendency of a high level of corruption among the fiscal authorities still remains.

The creation of the Financial Investigation Service, which is intended to replace the tax police, was announced in 2016, however, the tax police continue to operate without clear explanations from the state. In 2017, citizens of Ukraine «paid extra» UAH 33 million for the maintenance of the tax police – the tax police have returned UAH 521 million of taxes to the budget, while UAH 554 million were spent on its maintenance.¹²

The lack of a clear Government strategy to restore economic links and reintegrate the temporarily uncontrolled territories of Donetsk and Luhansk regions complicates the solution of the problems of providing real rights to taxpayers. As of the beginning of 2017, 20 thousand small enterprises and about 150 thousand entrepreneurs¹³, who needed the assistance to protect their rights at the state level and from the international institutions, worked in the Donetsk region.

¹¹ Tax reform. Guide to reforms // Information and analytical site [Electronic resource] – Access mode: <http://reformsguide.org.ua/ua/reforms/tax-reform/>

¹² Explanatory note to the draft Law of Ukraine «On Amendments to the Tax Code of Ukraine on the Establishment of a Financial Police» // The Official Web-site of the Verkhovna Rada of Ukraine [Electronic resource] – Access mode: <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&p-f3511=58412&pf35401=379979>

¹³ The Ukrainian Chamber of Commerce and Industry have discussed options for Ukraine's policy on economic contacts through the boundary line Ukraine [Electronic resource] – Access mode: <https://ucci.org.ua/press-center/ucci-news/u-tpp-ukrayini-obghovorili-varianti-politiki-ukrayini-shcho-do-iekonomichnikh-kontaktiv-chieriez-liniiu-rozmiezhuвання>

5. RIGHT TO LIFE, PROTECTION FROM TORTURE AND ILL-TREATMENT

THE MAIN PROBLEM of ensuring the right to life in Ukraine in 2017 was the failure to provide adequate conditions for the protection of civilians in the conflict zone. During the year there were fixed bombardments of settlements on the boundary line, with the use of small arms, various artillery systems, rocket launchers, tanks.

The parties to the conflict do not take any measures for mine clearance and demarcation of mined areas, so mines, unexploded ordnance, stretch marks and improvised explosive devices also pose a significant threat to life and health in the conflict zone.

In 2017, the Office of the United Nations High Commissioner for Human Rights documented at least 571 civilian casualties as a result of the conflict: 100 deaths and 471 injuries. Of these, 7.9% are children: 5 dead and 40 wounded.

In 2017, there was an alarming tendency to artificially lower the mortality rate among the civilian population by indicating false causes of death.

The armed conflict also involves the most famous cases of torture and ill-treatment committed by representatives of the state. Thus, in April 2017, in Bakhmut (Donetsk region), police detained two men who were taken outside the city and kept in an unknown place. Both were brutally beaten, the genital organs of them were connected to the electric current. Both victims were placed in a detention facility and charged with membership in illegal armed groups.¹⁴

According to international observers, there are quite frequent cases of kidnapping, illegal detention of citizens, and ill-treatment of detainees in the area of the uncontrolled territories of the Donetsk and Luhansk regions (ORDLO). Almost all power structures are involved in such cases: military units, police and the SSU.

In general, researchers noted a negative trend in the number of torture cases in the police in Ukraine. The level of unlawful police violence in 2017 practically equaled with similar figures in 2010 when Viktor Yanukovich's team came to power: the estimated number of people who suffered from the deliberate beatings, suffering or torture from police officers increased from 409,080 people in 2015 to 641,326 people in 2017. The estimated number of victims of torture also increased from 62,935 in 2015 to approximately 96,000 in 2017.¹⁵

¹⁴ Report on the human rights situation in Ukraine, February 16 - May 15, 2017 // Office of the United Nations High Commissioner for Human Rights [Electronic resource] – Access mode: http://www.ohchr.org/Documents/Countries/UA/UAReport18th_UKR.pdf

¹⁵ D. Kobzin, A. Chernousov, K. Koreneva, M. Kolokolova. Monitoring of Unlawful Violence in the Police of Ukraine (2004 - 2017), Kharkiv, Kharkiv Institute for Social Researches (KISR). – 2017.

6. RIGHT TO A FAIR TRIAL AND LEGAL ASSISTANCE

IN 2017, there were no systemic problems in ensuring the right to a fair trial.

According to the results of the monitoring of the implementation of the National Human Rights Strategy, it can be stated that none of the following objectives were achieved: ensuring access to justice for each person; eliminating the shortcomings of the procedural legislation and ensuring the effective judicial process within a reasonable time, ensuring the consistent judicial practice through the drafting of a bill to provide a person (a party) with compensation for the excessive duration of proceedings¹⁶.

Since 2016, citizens' access to justice remains difficult as a result of the courts staffing¹⁷. According to statistical information, in the 9 months of 2017, the level of staffing of judges of local and appellate courts of all specializations ranged from 45% (in appellate and district courts) to 69% (in economic appellate courts). In 2017, more than 26,000 proceedings lasted for more than one year, more than 4,000 cases proceedings continued for more than two years, and 2,303 cases were proceeding in court for more than 3 years.

The European Court of Human Rights in 2017 adopted 170 decisions against Ukraine¹⁸, of which 5 cases were complaints of excessive length of proceedings and the lack of effective remedy in the national legislation (violation of Article 6 of the ECHR).

In 2017, the following tasks of the National Human Rights Strategy were not realized:

- exemption from payment of court fee for persons entitled to free secondary legal aid;
- increasing the possibility of providing primary and secondary free legal aid in civil and administrative cases;
- expansion of the list of categories of persons entitled to free secondary legal aid, namely: persons who claim to receive the status of the ATO participant and internally displaced persons, persons whose average monthly gross income does not exceed two sizes of the subsistence minimum established by law for persons belonging to the main social and demographic groups of the population, combatants, as well as the provision of the right for incapacitated persons to free secondary and primary legal assistance; ensuring the right to legal aid in trials for people with disabilities, people with mental disorders¹⁹.

¹⁶ Implementation of the National Strategy. Advanced search of events // National Human Rights Index [Electronic resource] – Access mode: <http://www.hro.org.ua/index.php?r=9#result>

¹⁷ O. Ovcharenko. Problems of ensuring the right to a fair trial. Human rights in Ukraine – 2016 // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/problemy-zabezpechennya-prava-na-spravedlyvyj-sud-o-ovcharenko/>

¹⁸ Annual report on the activities of the Ombudsman for the European Court of Human Rights in 2017 // Ministry of Justice of Ukraine [Electronic resource] – Access mode: <https://minjust.gov.ua/files/general/2018/02/20/20180220171407-57.pdf>

¹⁹ Implementation of the National Strategy. Advanced search of events // National Human Rights Index [Electronic resource] – Access mode: http://www.hro.org.ua/index.php?r=9#117_3

7. RIGHT TO PRIVACY

THE UKRAINIAN PARLIAMENT Commissioner for Human Rights has repeatedly noted the violation of the right to privacy in custodial facilities: this violation is the most widespread in the institutions of the Ministry of Defense of Ukraine. One of the systemic violations is the violation of the right to privacy in health care facilities. In the vast majority of health care facilities that provide palliative care, there are no bed screens that should be used to ensure the right to privacy in case of physiological needs, sanitary procedures for lying patients and in case of death of the patient.

In most of the stationary institutions of the social protection system of the population, the norms of the area per person are violated – there is a much larger number of people accommodated in the rooms than it is stipulated by the norms. Beds are often installed in the immediate vicinity to each other, which also leads to violation of the right to privacy.

The violation of the child's right to privacy and respect for private life is stated in the UHHRU's analytical report «The Rights of the Child and Mental Health. Observance of the rights of children in stationary institutions for health care and social protection»²⁰. The following privacy needs are not ensured: privacy of patients while using the toilet and bathroom; children have a limited time of meeting with relatives; in a number of departments there are no rooms for communicating patients with relatives, due to which there is no opportunity for seclusion; the staff does not encourage independent children's walks within the territory of the facility even when there are playgrounds near the offices; patients can come outside the office of the department for communication with relatives only with the support of some of the workers; the staff supervises the correspondence of patients, reading their correspondence, and use of mobile phones, in general, is prohibited; the presence of cameras for monitoring children is also a concern. The cameras are located in the dining rooms, corridors, play rooms and psycho-correction rooms. The staff explains the video recording as the need to monitor the behavior of children and their current state of health. The challenge for the private lives of patients and their families is also that midwives and junior medical staff discuss the home routine and family situations with children.

The serious violation of the right to respect for private life was also recorded in the activity of the Pension Fund of Ukraine. At the beginning of 2015, on its own initiative and in contravention of the current legislation, the Fund has changed the procedure for the appointment of a pension for internally displaced persons from the Crimea. According to the new rules in the case a pensioner applies to receive a pension, the PFU must send a request to the Crimean occupation authorities. Because of these actions, the PFU has already transferred personal information of more than 5,000 Ukrainian citizens to the Russian authorities, along with a statement of their transfer and the address of their residence on a controlled Ukrainian territory.

Monitoring the implementation of the National Human Rights Strategy makes it possible to state that in 2017 a number of provisions were not implemented regarding: review of existing training programs for lawyers in the field of introduction of special training courses on personal data protection; provision of the right to privacy of people, including those with disabilities, who are in health care institutions, residential institutions of education and social protection; the drafting of the State Target Program on the gradual reorganization of the collective system of detention in penitentiary institutions to the chamber system of detention and to reduce the permissible scheduled filling of penitentiary institutions to 300–400 persons in the same institution. Also, the internal rules of investigating detention centers and penitentiary institutions regarding the order of conducting searches in penitentiary institutions and pre-trial detention in order to prevent systematic, unreasonable and motivated decision-making of searches, were not improved²¹.

²⁰ The Right of Child and Mental Health. Observance of the rights of children in stationary institutions for health and social protection / A. Blaha, N. Al-ekseyeva, R. Imerelli, K. Kazachynska, B. Moisa, Y. Pavlova, S. Shum // Ukrainian Helsinki Human Rights Union. — K.: Rumes, 2017 — 52 pp. [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2018/03/2018-03-05_Prava-dytnyny.pdf

²¹ Implementation of the National Strategy. Advanced search of events // National Human Rights Index [Electronic resource] – Access mode: <http://www.hro.org.ua/index.php?r=9#result>; Summary of the Report on the Monitoring of the Implementation of the National Human Rights Strategy (December 1, 2015 – December 1, 2017) [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2017/12/Web_NazStrategy_HumanRights_Ukr_A5.pdf

8. FREEDOM OF MOVEMENT

IN 2017, the most prolonged violations of freedom of movement to internally displaced persons and other Ukrainian citizens took place while they were crossing the boundary line of in the Donetsk and Luhansk regions, the administrative border with the temporarily occupied Crimea.

The regulatory approval system of moving people through the boundary line with Donetsk and Luhansk regions continues to operate.²² Changes to perpetual passes (required to cross the boundary line) made in April 2017 to the Provisional Order were not put into practice. The passage to the settlements of the «gray zone» is often accompanied by groundless military requirements to provide a pass that is issued for crossing the boundary line or the certificate of the internally displaced person. Also, at some checkpoints, travel is possible only on a list approved by the local administration.²³

There is a violation of the right to the safe crossing of the boundary line. Due to the increasing number of people crossing the boundary line, there are concerns about the security risks faced by civilians at checkpoints, including those related to shellfire, mines and other explosive devices.

The lack of protection from heat/cold, places for recreation, inadequate sanitary conditions at checkpoints aggravate the complex situation of people and exacerbate the problems of protection, especially, of people with disabilities, the elderly, children, and women.

In the transport corridors in the Donetsk region, buses run between the so-called «zero checkpoints» and the checkpoints at entry/exit points are not adapted for people with disabilities. At some checkpoints at entry/exit, there were no ambulances during the working hours. Additional obstacles to freedom of movement are caused by the so-called «internal» checkpoints established by the National Police of Ukraine that are not related to the routes of crossing the boundary line.

Existing restrictions on freedom of movement continue to disproportionately affect the civilian population living directly on the boundary line, impeding its access to medical, educational, social, administrative, and legal services.²⁴

²² Provisional procedure for monitoring the movement of persons through the boundary line in the Donetsk and Luhansk regions approved by the order of the First Deputy Head of the Antiterrorist Center under the Security Service of Ukraine (Head of the Anti-Terrorist Operation on the territory of Donetsk and Luhansk Oblasts dated 14.04.2017, No. 222-oh (as last amended and supplemented on December 15, 2017, No. 1000 oh)

²³ Universal Periodic Review, an alternate dimension. Compilation of alternative reports of the civil society // The third cycle of UPR in Ukraine, 2017 [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2017/04/UPR_3rd-cycle_CSOS_ua.pdf

²⁴ Office of the United Nations High Commissioner for Human Rights. Report on the human rights situation in Ukraine, May 16 - August 15, 2017. http://www.ohchr.org/Documents/Countries/UA/UAReport19th_UKR.pdf

9. RIGHT TO LIBERTY AND SECURITY OF PERSON

IN 2017, the European Court of Human Rights (ECHR) issued 4 decisions in cases concerning Ukraine, which document violations of Art. 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms: CASE OF STASZUK v. UKRAINE, CASE OF GOLIMBIYEVSKIY v. UKRAINE, CASE OF IVANOV AND OTHERS v. UKRAINE CASE OF ZHERDEV v. UKRAINE.

According to judicial statistics, compared to 2016 there was a 5.95% increase in the number of cases and applications submitted to the local general courts and considered by the local general courts that exceeded the time limits established by the Criminal Procedure Code of Ukraine. The number of satisfied appeals by prosecutors to the use of preventive measures related to restraint of freedom has increased.²⁵

In 2017, the Commissioner for Human Rights initiated measures to address the systemic problem of excessive length of pre-trial investigation and judicial proceedings: the Concept for the implementation of preventive and compensatory remedies against excessive length of proceedings in Ukraine was developed²⁶, the draft law on the state compensation for the damage caused by violation of reasonable time periods of pre-trial proceedings by the courts was developed; the draft Law of Ukraine «On Amendments to the Criminal Procedural Code of Ukraine on bringing the preventive measures application in accordance with the European Court of Human Rights practice» was drafted (and introduced by the Government in the Verkhovna Rada of Ukraine Reg. No. 7089 dated 07.09.2017)²⁷.

The Government took measures to increase the effectiveness of judicial control for deprivation of liberty, in particular, when applying the forced hospitalization to psychiatric institutions (a bill on amending some legislative acts of Ukraine on conducting the forensic psychiatric examination in administrative proceedings, registration number 7472 dated 29.12.2017)

The following issues remain unsolved: groundless and improperly executed detention, the detention of a person without a court decision regarding the resolution of the criminal law consequences of the detention of previously convicted persons in the temporarily occupied territories, as well as those who are released from these institutions²⁸.

²⁵ Report on the prosecutor's annual activity for the 12 months of 2017 // General Prosecutor's Office of Ukraine [Electronic resource] – Access mode: https://www.gp.gov.ua/ua/stst2011.html?dir_id=113275&libid=100820&c=edit&c=fo

²⁶ Proposals to the Concept for the Implementation of Preventive and Compensating Protection Measures Against Excessive Length of Proceedings in Ukraine // Ministry of Justice of Ukraine [Electronic resource] – Access mode: <https://rm.coe.int/doc-4/168078f22e>

²⁷ Annual report on the activities of the Ombudsman for European Court of Human Rights in 2017 // Ministry of Justice of Ukraine [Electronic resource] – Access mode: <https://minjust.gov.ua/files/general/2018/02/20/20180220171407-57.pdf>

²⁸ Implementation of the National Strategy. Advanced search of events // National Human Rights Index [Electronic resource] – Access mode: http://www.hro.org.ua/index.php?r=9#169_1

10. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

THE 2017TH became a year of consolidation of previously established trends. In countering external threats, the authorities perpetuate the temptation to resort to sometimes contentious domestic constraints in terms of respect for human rights. Despite attempts by the expert community to create conditions for combating hybrid threats that would reduce the risks to fundamental freedoms, most of their initiatives are rather «simple» solutions.

The prohibitions were chosen by the government as an alternative way of protecting national security. Thus, Internet resources and social networks, companies owned by Russians became the target auditory. The Security Service of Ukraine recognized «more than 800 anti-Ukrainian groups» as dangerous. Prohibitions also concerned Russian television channels, in particular, the oppositional to the Kremlin regime the «Dozhd» channel, and Internet publications with anti-Ukrainian or pro-Russian contents²⁹. The Art. 19 of the Order of the MIA regarding the organization of the service of military chaplain in the National Guard says: «Command of the military unit <...> 19) does not allow (restricts the activity of) priests of those religious organizations whose centers are located in the territory of the country-aggressor»³⁰. The realization of this article may result in the restriction of the freedom of conscience of the believers of one of the Orthodox denominations³¹.

The opinion of society on separation of the school from the church and compulsory teaching of Christian ethics in the schools is rather symptomatic — a significant proportion of respondents (18.5%) are totally against teaching this subject at schools. In this regard, human rights defenders, while not denying the teaching of religions at school, insist on respect for the freedom of conscience of all believers and non-believers: «The most population in Ukraine practice Christianity. But it would be more reasonable to shift the focus of the debate on Christian ethics towards the need to teach the subject of religious diversity»³².

²⁹ Reports on the human rights situation in Ukraine, February 16 – May 15, 2017, May 16 – August 15, 2017, August 16 – November 15, 2017, November 16, 2017 – February 15, 2017 // Office of the United Nations High Commissioner for Human Rights

³⁰ The Order of the Ministry of Internal Affairs of Ukraine No. 205 dated March 24, 2016 «On Approval of the Regulations on the Service of the Military Clergy (Chaplaincy Service) in the National Guard of Ukraine» // The Official Web-site of the Verkhovna Rada of Ukraine [Electronic resource] – Access mode: <http://zakon2.rada.gov.ua/laws/show/z0557-16>

³¹ Prohibition of serving by the chaplains of the Moscow Patriarchate. Is Avakov right or does he violate the right to confession? // Center for Human Rights Information [Electronic resource] – Access mode: https://humanrights.org.ua/material/zaboronivshi_svjashennikov_moskovskogo_patriarkhatu_dlja_kapelanstva_ukrajina_porushuje_pravo_na_virospovidannija_dumka

³² Iryna Vyrtsu. Easter Thoughts on Human Rights // Center for Human Rights Information [Electronic resource] – Access mode: https://humanrights.org.ua/material/velikodni_rozdumi_pro_prava_ljudini

11. FREEDOM OF PEACEFUL ASSEMBLY

IN 2017, the parliament did not adopt any laws on the establishment of legal mechanisms to ensure the freedom of peaceful assembly. The absence of a law prevents the relevant state bodies from adopting subordinate legal acts and methodological recommendations that would regulate the actions of the relevant bodies during peaceful assembly.

According to the report of the National Police of Ukraine, since February 2017, a number of communicative groups (negotiators) have begun their activities during mass events in the different regions of the country³³. The groups are formed on a freelance basis, and the trained police officers are among their members.

An important contribution to ensuring the right to freedom of peaceful assembly is the adoption of the Law of Ukraine dated October 3, 2017 No. 2147-VIII «On Amendments to the Commercial Procedural Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Legal Proceedings of Ukraine and other legislative acts». According to the amendments, the court would not necessarily prohibit the assembly, it may allow the holding of a peaceful assembly, but with a remark, for example, that contractionary groups should be separated. Authorities may demand the prohibition of peaceful assembly only in some cases and not later than 24 hours before the assembly itself. The court has two days to consider a case or should do it immediately. The plaintiff must, prior to appealing to the court, make a statement of claim on his site and, in addition, to inform by e-mail the organizers of the peaceful assembly that he appeals to the court. The subject of authority must independently prove to the court that there are reasons for the prohibition, and all arguments must be included in the statement of claim beforehand.

The requirements of peaceful protests in 2017 concerned socio-economic, environmental issues, and land sales³⁴. The most prominent was the political action under the walls of the Verkhovna Rada of Ukraine (the so-called «MihoMaidan»), initiated in October 2017 by separate politicians, civil and political movements of Ukraine (Avtomaidan, Anticorruption Headquarters, «Chesno», Initiative of Real Actions, Anti Corruption Action Centre and Reanimation Package of Reforms)³⁵. The March of Equality «KyivPride-2017» was a real challenge for law enforcement officers. Violence from right-wing radical groups to peaceful actions dedicated to gender equality and minorities was recorded³⁶.

Last year, the occupation authorities of the occupied Crimean peninsula considerably increased restrictions on the freedom of peaceful assembly³⁷. According to human rights activists

³³ The groups operate in seven regions: Lviv, Mykolaiv, Odesa, Poltava, Rivne, Kharkiv, and Khmelnytskyi regions.

³⁴ On September 19, the Preventive All-Ukrainian protest action of the Professional Union of Health Care Workers of Ukraine took place // Kyiv City Health Workers' Union [Electronic resource] – Access mode: <http://www.kmppo.org.ua/news/new706.html> ; On November 1, 2017, a multi-thousandth peaceful public protest action by the educational institutions was held in Kyiv against the Government's reduction of the educational subsidy for wages in 2018 // Trade Union of Education and Science of Ukraine [Electronic resource] – Access mode: <https://pon.org.ua/novyny/5921-osvt-yani-kiyeva-pd-kabnom-n-urzannyu-osvtnoyi-sbvencyi-na-2018-rk.html> ; On May 23, 2017, a mass (about a thousand people) protest action of the PJSC «Cherkasyoblenergo» workers took place in Cherkasy on the Cathedral Square in front of the regional council. Since January 2017 employees of the enterprise do not receive wages / Federation of Trade Unions of Ukraine [Electronic resource] – Access mode: <http://www.fpsu.org.ua/novi-kontakti-fpu/222-predstavnik-fpu-v-parlamenti-sergij-kaplin/12319-vidbulasya-masova-aktsiya-protestu-strukturnikh-pidrozdiliv-pat-cherkasioblenergo-2> ; On December 6, 2017, a protest action was held by representatives of vocational schools and colleges from all regions of the country. Participants expressed concern about the growing social tension in connection with the transfer of higher education institutions to local funding // Educators of the capital [Electronic resource] – Access mode: <http://profspilka.kiev.ua/publikacii/novyny/4700-akcya-protestu-osvt-yan-vnz-rvnyv-akreditacyi.html> ; On December 7, 2017, a protest action against the sale of agricultural land was held in Cherkasy near the premises of the regional state administration // Trade union of workers of AC of Ukraine [Electronic resource] – Access mode: <http://profapk.org.ua/news/reg-ntws/2172.html> ; On November 28, the regional peaceful protest of trade unions and foresters against the approved by the Government «Strategy of reforming the forest industry for the period up to 2022» was held in a number of settlements of the region // Voloshyna [Electronic resource] – Access mode: <http://voloshyna.org.ua/5902-pochalisya-masov-protsti-profsplok-proti-kabmnvskoyistrategyi-privatizaciyi-lsv.html>

³⁵ Protest action near the Verkhovna Rada of Ukraine (2017-2018) // Wikipedia [Electronic resource] – Access mode: <https://goo.gl/xfSK7H>

³⁶ Women in Uzhhorod went into action // Pershyi.com.ua [Electronic resource] – Access mode: <https://pershij.com.ua/uzhgorodki-viyshli-na-akciyu/>; Due to the threats of right-wing organizations, the presentation of a children's book at the Publishers Forum was canceled // Ukrainian pravda. Life [Electronic resource] – Access mode: <https://life.ppravda.com.ua/culture/2017/09/11/226386/>; Unknown broke the «National Minorities Forum of Ukraine» in Kyiv // ZAXID.NET [Electronic resource] – Access mode: https://zaxid.net/nevidomi_v_kiyevi_zirvali_forum_natsmenshin_ukrayini_n1442051

³⁷ Annual report of the Human Rights Commissioner of the Verkhovna Rada of Ukraine on the observance of human and civil rights and freedoms in Ukraine // Official website of the Human Rights Ombudsperson [Electronic resource] – Access mode: <http://www.ombudsman.gov.ua/files/Dopovidi/Report-2018-1.pdf>; Occupants banned peaceful protests in the Crimea // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/articles/okupanty-zaboronyly-myрни-protesty-v-krymu/>

(as of 20.10.2017), the occupying power of the Crimea passed 268 sentences to members of the peaceful assembly, 256 people were brought to administrative responsibility. The total amount of fines collected for participation in the peaceful assembly is more than 2 million 942 thousand rubles. The highest fine for participating in the peaceful assembly reached 150 thousand rubles³⁸.

³⁸ Since the occupation, 268 participants of peaceful assembly in the Crimea were punished - human rights activists // Center for Human Rights Information [Electronic resource] - Access mode: https://humanrights.org.ua/material/u_krimu_z_momentu_okupaciji_pokarali_268_uchasnikov_mirnih_zibran_pravozahisnikov

12. FREEDOM OF ASSOCIATIONS

THE TASK OF ENSURING the budget's financial support to civil society and charitable organizations from budget funds is not fulfilled³⁹.

In 2017, the dangerous tendency of the state agents to civil rights and freedoms became aggravated – criminal prosecutions of civic activists were recorded⁴⁰. Moreover, the amendments to Art. 3 of the Law of Ukraine «On Prevention of Corruption» according to which the NGO employees are included in the list of persons obliged to submit declarations about their incomes to the authorities. This will allow the state to make specific organizations subject to persecution and limit the activities of those who receive funding from foreign sources and poses a threat to the personal safety of people working in non-governmental organizations⁴¹.

Civil society organizations (CSOs) in the parts of the Donbass that are under the effective control of the Russian Federation, were subject to attacks and were forced to leave the territory, including CSOs, which mainly carry out humanitarian work («Responsible Citizens», for example). In the Crimea, independent CSOs experienced systemic and massive persecution by the occupation authorities, which caused a massive outflow of activists from the peninsula. Organizations, in particular, the Committee on Protection of the Rights of the Crimean Tatar people, the Mejlis of the Crimean Tatar People and the League of Crimean Tatar women, were prosecuted or otherwise exposed to pressure from the occupation authorities through the selective application of the Russian Federation legislation. Organizations engaged in cultural activities, such as the Ukrainian Cultural Center of Crimea, have also been subject to persecution⁴².

³⁹ Ibid

⁴⁰ Statement of the Human Rights Agenda platform regarding the initiation of a series of criminal proceedings against non-governmental organizations and civil society activists // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/appeals/vlada-pish-la-v-nastup-na-hromadyanske-suspilstvo-pravozahysnyky/>

⁴¹ Alternative reports within the 3rd cycle of the Universal Periodic Review of the situation in the field of human rights in Ukraine. See p.40 // The third cycle of UPR, Ukraine: UNDP in Ukraine, 2017 [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2017/04/UPR_3rd-cycle_CSOs_ua.pdf

⁴² Alternative reports within the 3rd cycle of the Universal Periodic Review of the situation in the field of human rights in Ukraine. See p.40 // The third cycle of UPR, Ukraine: UNDP in Ukraine, 2017 [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2017/04/UPR_3rd-cycle_CSOs_ua.pdf

13. PROPERTY RIGHT

THE OVERALL ASSESSMENT of the level of protection of property rights in Ukraine in 2017 remained extremely low, according to the international experts. It happened due to the deterioration of the situation regarding the protection of the right to property, freedom of trade, the integrity of public administration.

The experts consider the field of land relations as the most corrupt one. Legislative initiatives in the area of land ownership registered during the year contain significant risks.

The level of judicial protection of the right to peaceful possession of the property in 2017 is assessed as unsatisfactory. The national court decisions regarding property protection remain unresolved. Throughout January 1 – December 31, 2017, 32,086 decisions were registered to the Unified State Register of Court Decisions on applications and complaints about delinquency and failure to comply with court decisions. A significant part of these complaints and claims for various reasons was rejected or left without consideration, and the unlawful inaction of state executives remained unpunished.

The issue of protection of property rights, violated in connection with the annexation of the Crimea and the armed conflict in the Donbass, has not yet been resolved^{43,44}. The lack of progress in the establishment of a mechanism for restitution and compensation for property destroyed and (or) damaged as a result of armed conflict, triggered the appeal to victims of the trial in 2017 for reimbursement⁴⁵. Some of these claims were satisfied, but no property compensation has yet been paid to property owners^{46, 47}. Some of these claims were satisfied, but no property compensation has yet been paid to property owners. The Office of the United Nations High Commissioner for Human Rights (OHCHR), in its reports, drew attention to the lack of progress in establishing a unified register of damaged or destroyed property.

⁴³ O. Shynkarenko. Higher specialized court delays compensation for destroyed housing // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/articles/vyschyj-spetsializovanyj-sud-zatyahuje-vyplatu-kompensatsiji-za-zrujnovane-zhytlo/>

⁴⁴ The Customs Service ignores the decision of the court regarding the unlawfulness of the Art. 1 of the Resolution of the Cabinet of Ministers of Ukraine No.1035 // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/articles/mytna-sluzhba-ihnoruje-rishennya-sudu-schodo-nezakonnosti-punktu-pershoho-postanovy-kmu-1035/>

⁴⁵ O. Shynkarenko. Pensioners from Serebrianka went into litigation with the Ukrainian government // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/articles/pensionery-serebryanky-pozyvayutsya-proty-uryadu-ukrajiny/>

⁴⁶ O. Shynkarenko. SSU requires citizens to prove that their houses were under shellfire // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/articles/sbu-vymahaje-vid-hromadyan-dovesty-scho-jihni-budyanky-obstrilyuyut/>

⁴⁷ O. Shynkarenko. Will the Loshadkiny receive 2 million of compensation? // Ukrainian Helsinki Human Rights Union [Electronic resource] – Access mode: <https://helsinki.org.ua/articles/chy-otrymayut-loshadkiny-majzhe-2-miljony-kompensatsiji/>

14. DECENT LIVING STANDARDS

OFFICIAL STATISTICS on living standards are optimistic. The poverty level for expenditures below the actual subsistence level in the first half of 2017 amounted to 48.3%, while income below the actual subsistence level was 39.4% and showed a certain increase compared to the previous period. The level of absolute poverty slightly declined to 3.7%. However, the poverty rate according to the international UN criterion has increased by 0.1 pp and amounted to 1.9%. Indicators of relative poverty in the first half of 2017 tended to increase: the poverty rate by cost criterion (75% of the median of aggregate expenditures) was 25.4%, or using the EU equivalent scale (60% median of aggregate income), it was 9.7%.⁴⁸

According to the Sociological Group «Rating», in 2017 more than 60% of respondents claimed worse financial situation, more than 60% of respondents were unable to pay bills for housing and communal services, the absolute majority (97%) of respondents felt the increase in prices for consumer goods and services this year⁴⁹. 12% of those polled by the Kiev International Institute of Sociology did not have enough funds for food.⁵⁰

The average salary in Ukraine is 190 euros and is the lowest in Europe⁵¹, and the difference in payment for men and women in the first half of 2017 was 26.6%.⁵² The ratio between the income of the rich and the poor in 2006 was 1:10, in 2016 — 1:30, then in 2017 — 1:40. While in the EU countries this indicator is 1:5.

The growth of the minimum salary did not lead to an automatic increase in the subsistence minimum and did not improve the situation of workers. The inflation rate in 2017 reached 13.7%. The rise in prices for housing and communal services (47-60%) leads to an increase in households that do not have funds to pay for them. The problem of providing housing, which in Ukraine (23.8 sq. m.) is three times lower than required by UN standards, remains acute. 44% of the able-bodied population is at the risk of the labor migration.

⁴⁸ Information on the living standard of the population in 2017. Appendices: informational and analytical note of the Ministry of social policy of Ukraine. <http://expert.fpsu.org.ua/news/392-informatsiya-shchodo-rivnya-zhittya-naselennya-u-2017-rotsi>

⁴⁹ The study was conducted in May 2017. http://ratinggroup.ua/research/ukraine/vzglyady_grazhdan_na_ekonomicheskuyu_i_politicheskuyu_situaciyu_v_ukraine.html

⁵⁰ Alla Kotliar Tactical pessimists and strategic optimists. https://dt.ua/SOCIUM/taktichni-pesimisti-i-strategichni-optimisti-264606_.html

⁵¹ In Ukraine, the average salary is 190 euros and is the lowest in Europe. https://humanrights.org.ua/material/v_ukrajini_serednja_zarplata_sklada_je_190_jevro_i_je_najnizhchojiu_v_jevropi

⁵² According to the State Statistics Service, men earn 27% more than women in Ukraine. https://humanrights.org.ua/material/navit_za_derzhstatom_v_ukrajini_choloviki_zarobljajut_na_27_bilshe_za_zhinok_

15. THE RIGHT TO EDUCATION

THE EDUCATIONAL SYSTEM is being reformed. A lot of changes to the new Law of Ukraine «On Education» have been declared: autonomy of educational institutions, principles of public self-government, transparency and informational openness of institutions, the formation of the educational ombudsman. However, qualitative changes in the implementation of this law have not yet occurred due to the unsystematic nature of the implemented and planned reforms in education.

The material base of secondary schools remains unsatisfactory, as the current maintenance of institutions and educational process is largely carried out through non-transparently administered charitable contributions⁵³, which parents are often forced to make⁵⁴.

The situation for a significant number of children with disabilities remains difficult. Despite the introduction of the inclusive education concept: only 69⁵⁵ educational institutions out of 16,395 ones can ensure the free access to children with disabilities.

Systemic problems and barriers complicate the access to educational services for the representatives of the Roma community, due to discrimination, isolation, sending to specialized classes, and lack of necessary support in the training process⁵⁶.

Significant difficulties arise when implementing the right to education in temporarily occupied territories: the number of children is studying remotely/on the external basis has increased by more than a third. However, the overload of teaching staff and the free educational services reduce the quality of education and do not allow delivering quality services. An insufficient period for introducing changes and manipulations of the institutions did not allow organizing the admission of the inhabitants of the Crimea and Donbass to Ukrainian universities. This has especially affected the opportunities of the Crimean youth, which, due to the lack of higher educational institutions, was in the «educational reserve».

The following phenomena remain relevant in the higher education sphere: non-transparent governance and corruption, imitation of student self-government, forcing students to attend extracurricular activities, violation of the right to choose training courses, the limited academic mobility of students, and sexism⁵⁷.

⁵³ Olena Bondarenko's request to the State Treasury of Ukraine // Access to the truth [Electronic resource] – Access mode: https://dostup.pravda.com.ua/request/faktichni_vidatki_po_ktkv_070201?nocache=incoming-29178#incoming-29178

⁵⁴ War against informal school fees. Vikna-news – 01.09.2016 // YouTube канал ВікнаSTB [Electronic resource] – Access mode: <https://www.youtube.com/watch?v=hpjQGXR5SA>

⁵⁵ Official site of the State Statistics Service of Ukraine // [Electronic resource] – Access mode: <http://www.ukrstat.gov.ua/>

⁵⁶ Deziderii Herhei, Tetiana Pechonchyk. School for Roma children: Welcome to the ghetto? // Ukrainian Pravda. Life [Electronic resource] – Access mode: <http://life.pravda.com.ua/society/2013/08/31/137591/>

⁵⁷ The president of Mohyla is asked to explain the presence of 40 radical activists at the action against violence // Ukrainian Pravda. Life [Electronic resource] – Access mode: <https://life.pravda.com.ua/society/2017/06/20/224838/>

16. COUNTERING DISCRIMINATION

ACCORDING TO A NATIONWIDE study entitled «What Ukrainians Think About Human Rights,» about 60% of respondents emphasized the problem of discrimination: 16% consider this a very serious problem, 44% think that discrimination is serious if there are more important issues. At the same time, almost 26% of respondents consider discrimination «not a problem» at all. According to respondents, they are most often discriminated against on the basis of: age (37.4%), disability (32.7%), property status (24.4%), «nationality» (14.8%), «religious views» (12.2%) and affiliation with IDPs (11.8%)⁵⁸. Most commonly, Ukrainians are ready to restrict the rights of drug addicts (26%), oligarchs (20%), people with unpopular political views (19%), LGBT (19%), former convicts (12%), Roma (11%), %, IDPs (4%), and unemployed (3%)⁵⁹.

Activists and participants in peaceful assembly representing social minorities (the LGBT community, women's rights action members) or individuals with other social or political views are often targets of radical groups. The arsons of the Roma camps took place in Kyiv and Lviv for the purpose of the actual expulsion of Roma residents outside the city⁶⁰, attacks on Roma homes were committed in the Kharkiv region, Zolotonosha, and Boryslava.

Due to the lack of an effective mechanism for prosecuting discrimination, violations of the rights of various groups by the authorities, deputies, insurance companies, and cultural institutions continue.

Unfortunately, for two years the parliament delays the consideration in the second reading of the draft law No. 3501⁶¹, which proposes to decriminalize responsibility for discrimination. Implementation of the provisions of this bill in practice should increase the responsibility for discrimination, since it involves the simultaneous introduction of a mechanism of administrative liability; introduction of additional forms of discrimination (victimization and denial of reasonable accommodation); the introduction of the definitions of «multiple discrimination» and «discrimination by association».

⁵⁸ Ibid. P 69

⁵⁹ Ibid. P 71

⁶⁰ On April 5, unknown people arrested the Roma camp in Kyiv // The eviction of Roma from the camp in Kyiv is a violation of human rights - human rights activists // Public radio [Electronic resource] – Access mode: <https://hromadskeradio.org/ru/programs/chiriklo/vyselennya-romiv-z-tabo-ru-u-kyievi-ce-porushennya-prav-lyudyny-pravozahysnyky>

⁶¹ Draft Law «On Amendments to Certain Legislative Acts of Ukraine (Concerning Harmonization of Legislation in the Sphere of Prevention and Counteracting Discrimination with the Law of the European Union)» dated November 20, 2015 No. 3501 // Official Web site of the Verkhovna Rada of Ukraine [Electronic resource] – Access mode: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57162

18. PARTICIPATION IN PUBLIC AFFAIRS

IN 2017, there was no progress in the legislation on holding the national referendum, and the question of a local referendum, in general, remained unregulated. The problem of the implementation of electoral rights by internally displaced persons, in respect of voting at local elections and the election of people's deputies in single-member districts, remains unresolved. Legislative work of parliamentarians did not help to overcome challenges.

The first local elections in the united territorial communities revealed a number of shortcomings:

- the proposed proportional system leads to the fact that the personalized list for which voters vote can be changed at the stage of registration of candidates and distribution of mandates;
- the decisions of the territorial election commissions concerning the deviations in the number of voters in the constituencies are often ungrounded: in 98 communities, the TEC did not fully comply with the recommendations of the Venice Commission regarding 15% of the rejection of the number of voters in the constituencies⁶²;
- non-compliance with the provisions of local elections legislation due to lack of proper sanctions.

As a result of the first elections for 25 city councils (October 29, 2017), 39% of all registered polling stations did not comply with the gender quota. Only 16.4% of the candidates for the heads of the UTM met the requirements of the legislation on interim financial reporting. Only 1% of the candidates for deputies of village and town councils submitted interim financial reports at the first local elections.

Among the most serious violations of the first local elections in the UTC public observers recorded: campaigning in forbidden places; abuse of an administrative resource, in particular, through charitable activities. The National Police launched 44 criminal proceedings against crimes relevant to the electoral rights of citizens, but 20 of them were already closed as of February 2018⁶³.

⁶² Ibid.

⁶³ Ibid.

17. THE RIGHTS OF INTERNALLY DISPLACED PERSONS

ACCORDING TO THE OFFICIAL STATISTICS of the Ministry of Social Policy, as of October 23, 2017, 1,604,059 displaced persons from Donbas and the Crimea were registered.

In 2017, the legislation of Ukraine was considerably amended in the sphere of guaranteeing the rights of IDPs:

the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” was included Article 9-1 to promote exercising the rights of the registered IDPs to use the public utilities;

the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” was included the provision on the responsibility of the central and local public authorities to take all the possible measures, aimed at solving problems, related to the provision of the public utilities, electric and heat energy, natural gas to internally displaced persons in the places of their dense population.

In 2017, the Cabinet of Ministers of Ukraine differentiated the amounts of the aid for IDPs, who are persons with disabilities, depending on the disability group, and increased the total amount of the aid to the family from UAH 2,400 to UAH 3,400, if there are adults with disabilities or children with disabilities in the family. The procedure of controlling social payments at the place of actual residence/living of IDPs was facilitated.

In reality, IDPs still experience continuous difficulties, related to the suspension of payments, refusal to accrue social payments, bureaucratic nature of the checking procedure, the problems with restoring the documents (passports, documents about the education, documents establishing the right to the property, etc.) and receiving the payments. In 2017, over 20% IDPs reported that they had faced the suspension of social payments due to inaccurate data about the place of residence, inaccurate data about the level of income, and withholding the information about the purchase of an apartment or a car, which had been revealed in the process of checking, etc.⁶⁴

The general level of welfare remains low for most IDPs: only 45% of IDPs can afford buying food products at their own expense⁶⁵. Most IDPs do not own their accommodation and have to rent it (66%), a considerable part (22%) lives with their relatives or host families, and only 1% lives in their own accommodation in the territory, controlled by Ukraine⁶⁶. There are no comprehensive state programs of easy-term loans, building, restoring or purchasing new accommodation for the affected population⁶⁷.

⁶⁴ The report of the National system of monitoring the situation with internally displaced persons. April 2017 – P. 12. // The Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine [Electronic resource] – Access mode: http://mtot.gov.ua/wp-content/uploads/nms_report_march_2017_ukr_new.pdf

⁶⁵ The report of the National system of monitoring the situation with internally displaced persons. April 2017 – P. 7. // The Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine [Electronic resource] – Access mode: http://mtot.gov.ua/wp-content/uploads/nms_report_march_2017_ukr_new.pdf

⁶⁶ The report of the National system of monitoring the situation with internally displaced persons. April 2017 – P. 11. // The Ministry of Temporarily Occupied Territories and Internally Displaced Persons of Ukraine [Electronic resource] – Access mode: http://mtot.gov.ua/wp-content/uploads/nms_report_march_2017_ukr_new.pdf

⁶⁷ The actual state of ensuring the rights and freedoms of internally displaced persons in Ukraine. The report was presented for the Universal Periodic Review of the United Nations Organization. The 28th session of the Human Rights Council of the UNO. 2017 – P. 8. // The National Assembly of People with Disabilities [Electronic resource] – Access mode: http://naiu.org.ua/wp-content/uploads/2017/10/UPR_IDP_ukr.pdf

19. THE RIGHTS OF WOMEN

AS OF 2017, 42,414,905 people lived in Ukraine, including 46.3% – men and 53.7% – women⁶⁸. At the beginning of 2016/2017 study year women constituted 55.8% from the total number of students of colleges, technical schools, and vocational schools and 51% from the total number of students of universities, academies, and institutes⁶⁹. Ukrainian women are economically active: 55.7% of women over 15 are officially employed⁷⁰, and 19.5% more – are unofficially employed⁷¹.

Regardless of a high level of women's qualifications in Ukraine, there is a stable tendency of their low involvement in the decision-taking process in the political and economic spheres. There is an incredibly low share of women-people's deputies (12%); in 22 regional councils the share of women was 15%, in city councils – 18.1%, while the legislative norm stipulates at least 30%⁷². There are a few women in the management bodies of the economic branches and enterprises (only 3 women out of 24 members of the Cabinet of Ministers)⁷³. According to the data of the Index, in general the average ratio of women and men among legislators, high-ranking officials and managers is 39.6% to 60.4%, whereas a similar ratio among professional and technical employees is 62.5% to 37.5%⁷⁴.

There is a considerable gap between the salaries for men and women: the average monthly salary of men was UAH 8,271 for nine months of 2017, whereas the salary of women for the same period was UAH 6,414 i.e. 22.5% less⁷⁵.

In 2017 there was an urgent problem of preventing violence against women, in particular, related to the armed conflict in the East of Ukraine and in the families (a total of 110,932 registered complaints and notices about the committed offenses and other events, connected to domestic violence).

In 2017 the Cabinet of Ministers of Ukraine approved the concept of the State social program of ensuring equal rights and opportunities for women and men for the period up to 2021⁷⁶, and established the position of the Government's representative on gender issues⁷⁷.

According to the results of monitoring the implementation of the National strategy in the sphere of human rights, only 19% out of 67 clauses, related to the rights of women, were implemented completely, 13% – were implemented partially, and 21% – not implemented at all⁷⁸.

As of 2017, women do not have any actual impact on reforms. Not even one out of 17 main directions of reforming the country envisages the participation of experts on gender equality.

⁶⁸ The distribution of permanent population by gender, main age groups, the ratio of men and women and the average age of the population in Ukraine // [Electronic resource] – Access mode: http://database.ukrcensus.gov.ua/MULT/Dialog/view.asp?ma=3&ti=%D0%EE%E7%EF%EE%E4%B3%EB+%EF%EE%F1%F2%B3%E9%ED%EE%E3%EE+%ED%E0%F1%E5%EB%E5%ED%ED%FF+%E7%EO+%F1%F2%E0%F2%F2%FE%2C+%EE%F1%ED%EE%E2%ED%E8%EC%E8+%E2%B3%EA%EE%E2%E8%EC%E8+%E3%F0%F3%EF%E0%EC%E8%2C+%F1%EF%B3%E2%E2%B3%E4%ED%EE%F8%E5%ED%ED%FF+%F7%EE%EB%EE%E2%B3%EA%B3%E2+%B3+%E6%B3%ED%EE%EA+%F2%EO+%F1%E5%F0%E5%E4%ED%B3%E9+%E2%B3%EA+%ED%E0%F1%E5%EB%E5%ED%ED%FF+%E2+%D3%EA%F0%E0%BF%ED%B3&path=../Quicktables/KEY_IND/1/&lang=1&multilang=uk

⁶⁹ The statistical compilation "Higher Education in Ukraine". 2017 // State Statistics Service [Electronic resource] – Access mode: <http://www.ukrstat.gov.ua/>

⁷⁰ Economic activity of the population by gender, area type and age groups in 2017 // State Statistics Service [Electronic resource] – Access mode: <http://www.ukrstat.gov.ua/>

⁷¹ Unofficially employed population by gender, place of residence and employment status in 2017. // State Statistics Service [Electronic resource] – Access mode: <http://www.ukrstat.gov.ua/>

⁷² People's deputies of Ukraine // Official web-portal of the Verkhovna Rada of Ukraine [Electronic resource] – Access mode: http://w1.c1.rada.gov.ua/pls/site2/p_deputat_list

⁷³ The Cabinet of Ministers of Ukraine // Governmental portal [Electronic resource] – Access mode: <https://www.kmu.gov.ua/ua/team>

⁷⁴ The Global Gender Gap Index 2017 // World Economic Forum [Electronic resource] – Access mode: <http://reports.weforum.org/global-gender-gap-report-2017/dataexplorer/#economy=UKR>

⁷⁵ The average monthly salary of women and men by types of economic activity in 2017 // State Statistics Service [Electronic resource] – Access mode: <http://www.ukrstat.gov.ua/>

⁷⁶ On approving the Concept of the State social program of ensuring equal rights and opportunities for women and men for the period up to 2021 / The Resolution of the Cabinet of Ministers of Ukraine dated April 5, 2017 No 229-r. // The official web-portal of the Verkhovna Rada of Ukraine [Electronic resource] – Access mode: <http://zakon0.rada.gov.ua/laws/show/229-2017-%D1%80>

⁷⁷ On the Government's representative on gender policy issues / The Resolution of the Cabinet of Ministers of Ukraine dated June 07, 2017 No. 390 // Government portal [Electronic resource] – Access mode: <https://www.kmu.gov.ua/ua/npas/250049925>

⁷⁸ The status of implementing the national strategy // National index of human rights [Electronic resource] – Access mode: <http://www.hro.org.ua/index.php?r=9#result>

ty or the application of gender-based expertise. The process of power decentralization started without any gender-based analysis and assessment. The reform in social security, the medical reform, the reduction of the network of social institutions and services, the pension reform, the reform of the public utilities and the administrative reform became a challenge for gender equality and access of women and girls to quality services⁷⁹.

⁷⁹ Gender equality, the rights of women, combating gender-based violence: The Report, presented for the Universal Periodic Review of the United Nations Organization. The 28th session of UN Human Rights Council on the Universal Periodic Review (the third cycle) // The National index of human rights [Electronic resource] – Access mode: <http://hro.org.ua/files/docs/1494932877.pdf>

20. THE RIGHTS OF CHILDREN

AS OF 2017, there were 7,615,606 children in Ukraine (18% from the total number of the permanent population)⁸⁰. Ukraine is rated the 186th in the world by the birth rate and the 13th – in terms of the extinction of the nation. About 106 thousand children, which is 1.5% of all the children in the country, live and are brought up in the orphanages, but only 8% of them are orphans, the remaining 92% have parents⁸¹. In addition, 17% have disabilities. The main reason of children getting into orphanages in 2017 was living in dysfunctional families, the poverty of families, insufficient services of supporting children and families at the local level. At least 600 thousand children live in dysfunctional families and they are actually “the candidates” to be accepted to the orphanages⁸².

The project of modernizing the social services, for which Ukraine has received EUR 300 million loan from the World Bank, envisages pilot projects of de-institutionalization in several regions. However, as of the end of March of 2018, there was no information at the web-site of the Ministry of Social Policy about the implementation status of the events, planned for 2017.

The monitoring of implementing the National strategy in the sphere of human rights demonstrated that as of the end of 2017, only 25% of the planned events were implemented. As of 2017, the following problems persisted in the sphere of exercising the rights of children:

- neither the mechanism of evacuating the population from the combat zone nor the normative legal act, which would specify clear procedures of actions for the personnel of institutions for children, who are in custody or taken care of (penitentiary institutions, psychiatric establishments and orphanages, etc.) in the uncontrolled territory has been elaborated;
- there is no active mechanism of searching for children who participate directly in the combats or armed conflicts;
- no interstate, state, interindustry, and industry standards of safety and welfare of children have been created and implemented;
- over 200 thousand children require urgent psychological help for their psychological traumas after the death of family members and close ones, after hiding in the cellars during the artillery attacks, etc.; the fate of the minors (21 person), who were kept in the institutions of the State penitentiary service of the Donetsk and Luhansk regions, is yet to be revealed;
- most children, who have not been registered via the procedure, stipulated by the legislation, reside in socially complicated and dysfunctional families. First of all, it concerns the Romani families and the families, whose members do not have citizenship.

⁸⁰ The age-related structure of Ukrainian population // State Statistics Service of Ukraine [Electronic resource] – Access mode: <http://www.lv.ukrstat.gov.ua/dem/piramid/all.php>

⁸¹ The number of children's population in Ukraine decreased almost twice during the years of its independence // Ukrinform [Electronic resource] – Access mode: <https://www.ukrinform.ua/rubric-society/2165052-kilkist-ditej-v-ukraini-zmensilas-majze-vdvici.html>

⁸² Ibidem

21. THE RIGHTS OF PEOPLE WITH DISABILITIES

AS OF THE BEGINNING of 2017, the total number of persons with disabilities in Ukraine was 2 million 600 thousand people: over 240 thousand persons with group I disability, over 900 thousand persons – group II and over 1.3 million persons – group III; there were over 156 thousand children with disabilities⁸³. The number of students in the inclusive classes increased by 53% compared to the previous 2016-2017 study year – from 2,700 to 4,100 persons⁸⁴.

The year of 2017 in the sphere of rights of people with disabilities will be remembered as the year of legislative regulation of the application of the term “a person with disability”, adopting the long-awaited current Law of Ukraine “On Education”, the selected course of de-institutionalization of child-care facilities and declaring the implementation of the International classification of functional limitations.

2017 was the first year, when special conditions were created for children with special educational needs during the external independent testing (EIT), envisaged by the joint order of the Ministry of Education and Science and the Ministry of Health⁸⁵. However, it was reported in mass media that children with disabilities and their parents were furious at the fact that special conditions were provided without taking into consideration the place of residence of the child. A total of 308 persons with special educational needs were registered for the participation in the external independent testing in 2017. Persons, requiring the services of a sign language interpreter, took the external independent testing in the facilities with sign language interpretation⁸⁶. In 2017, there was continuous work on preparing the approbation of EIT using Braille type.

However, the absence of any practical system and consistency in the legislative initiatives leaves unsolved problems in the sphere of unimpeded access, education, installation and adjustment of work places, absence of infrastructure and conditions for people with disabilities.

⁸³ The number of people with disabilities in Ukraine increased to 2.6 million and constitutes 6% of the population // Day [Electronic resource] – Access mode: <https://day.kyiv.ua/uk/news/281117-v-ukrayini-killist-lyudey-z-invalidnistyu-zosla-do-26-mln-i-stanovyt-6-naselennya>

⁸⁴ Ibidem

⁸⁵ The joint order of the Ministry of Education and Science of Ukraine and the Ministry of Health Care of Ukraine “Some issues of participating in the external independent testing and entrance exams for persons, who have specific diseases and/or pathological conditions, disabilities” dated August 29, 2016 No. 1027/900 // Official web-portal of the Verkhovna Rada of Ukraine [Electronic resource] – Access mode: <http://zakon3.rada.gov.ua/laws/show/z1707-16>

⁸⁶ The briefing note to issue 1 “On ensuring the right of children with disabilities to education. The accessibility of educational institutions, including the ones where the external independent testing is conducted, for persons with disabilities” // The letter of the Ministry of Social Policy of Ukraine dated September 25, 2017 No. 18106/0/2-17/17

22. THE RIGHTS OF PERSONS WITH MENTAL HEALTH PROBLEMS

AS OF JANUARY 1, 2017, 1,673,328 residents of Ukraine were registered as patients with psychiatric problems and behavioral disorders, including 694,928 – due to disorders, related to the use of alcohol and drugs (3.9% of the population). During 2016, the institutions, providing psychiatric assistance, admitted 182,415 patients, who stayed in the institution for 53.4 days on average. As of the end of 2016, 261,240 patients with mental disorders in Ukraine were registered with the disability group, including 8.5% – children under 17. In 2016, 9,893 patients were primarily recognized as persons with disabilities due to their mental disorders. In 2015 the mortality rate of the Ukrainian population due to willful self-inflicted injuries was 17.7 per 100 thousand people.⁸⁷

The most vulnerable group are persons with disabilities and people with limited abilities. As of January 01, 2017, their number was 39,797 persons, including 36,025 persons with disabilities (91.4%). It is evident that the trusteeship and guardianship authorities should be more actively involved in solving the issues of the access of disabled persons to the services, related to disabilities. 30,427 disabled persons and 1,128 persons, whose civil capacity is limited, were given trustees and guardians, 30,111 (95.5%) of whom have a family relationship with persons under care. 7,666 disabled persons and 164 persons with limited civil capacity, who were not given trustees and guardians, are in custody or under care of the institutions of the social protection within the management sphere of the Ministry of Social Policy. 5,297 disabled persons were placed by the trustees to specialized institutions.⁸⁸

Another issue, causing concern, is the discrimination of disabled persons in terms of depriving them of their right to appeal. Pursuant to Article 8 of the Law of Ukraine “On Citizens’ Appeals”, the appeals of the disabled persons are not subject to any consideration, as the appeal can be submitted only by their authorized representatives.

The persons, who are in custody or under care, cannot receive free legal aid on their own, therefore, ensuring their right for protection is in the focus of human rights defenders.

⁸⁷ The data were taken from the Concept of developing mental health protection in Ukraine for the period up to 2030, approved by the Resolution of the Cabinet of Ministers of Ukraine dated December 27, 2017 No. 1018-r. // The official web-portal of the Verkhovna Rada of Ukraine [Electronic resource] – Access mode: <http://zakon2.rada.gov.ua/laws/show/1018-2017-%D1%80>

⁸⁸ Social report for 2016 // The official web-portal of the Ministry of Social Policy of Ukraine. – 2017. – 35 P. [Electronic resource] – Access mode: <http://www.msp.gov.ua/timeline/Socialni-zviti-.html>

23. HUMAN RIGHTS IN THE PENITENTIARY SYSTEM

THE REDUCTION in the number of imprisoned persons still remains a general tendency – down to 41,800 convicts in 2017.

In 2017, there were several incidents of headline-making deaths of prisoners in prisons and in pre-trial detention centers^{89, 90}. The unchanging opinion of the management about the accidental nature of these incidents and internal conflicts between prisoners along with the restricted investigations causes ever more doubts about the reasonability and capabilities of the prison administration.

The special report of the Authorized Human Rights Representative to the Verkhovna Rada of Ukraine (2017 p.) paid special attention to the issues of excessive and illegal disciplinary practice, unlawful use of physical strength and special means, awful conditions of detention in a number of penitentiary institutions, especially in pre-trial detention centers, unrestrained development of prison subculture and informal governing, exercised by some categories of prisoners, critical situation with providing medical aid, etc.

There is catastrophic shortage of doctors and mid-level health professionals in prisons, the staffing rate for these positions does not exceed 50–60% in many institutions, state financing for medical provision needs is as low as 22–23%, while medical equipment is not updated at all, thus it is at least 70% outdated or does not function⁹¹.

The initiative, launched by the Ministry of Justice, in terms of in-house investigation of crimes, committed in the territory or in the premises of the State criminal executive service of Ukraine resulted in the fact that in 2017 the crimes, committed in Ukrainian prisons, were either investigated by unauthorized persons or not investigated at all⁹².

The fate of 798 convicts, who are kept in the penitentiary institutions in the uncontrolled territory of Donbas and 3,200 – in the occupied territory of the AR of Crimea, is yet to be determined.

The issue of the possibility for the convicts to exercise their rights is related to the rights of the personnel of the system, which is one of the least financially rewarded law enforcement occupations.

⁸⁹ A 25 y.o. man died in Lutsk pre-trial detention center. His relatives demonstrate the marks of torture // The center of information about human rights [Electronic resource] – Access mode: <https://goo.gl/Bajru5>

⁹⁰ Criminal underworld leaders are used in detention places to keep “order” – activist // Radio Svoboda [Electronic resource] – Access mode: <https://www.radiosvoboda.org/a/28690319.html>

⁹¹ Penitentiary medicine can be transferred into the management sphere of the Ministry of Health Care // The Association of Ukrainian Human Right Monitors on Law Enforcement [Electronic resource] – Access mode: <http://umdpl.info/news/penitentsiarna-medytsyna-mozhe-perejty-u-sferu-upravlinnya-ministerstva-ohorony-zdorov-ya/>

⁹² Dmytro Yahunov. Photocopy of the reply of the Kyiv Prosecutor's Office No. 10 [Electronic resource] – Access mode: <https://www.facebook.com/photo.php?fbid=10154946269041987&set=a.10150879941956987.395636.731941986&type=3>

24. RECOMMENDATIONS:

THE RIGHT TO LIFE, THE RIGHT TO PROTECTION FROM TORTURE AND INHUMAN TREATMENT

Profile committees of the VRU should initiate the national discussion of the issues of reforming the security sector with further elaboration of the relevant strategy and plan of actions to protect the right of the population to life during extreme situations and extreme situations of the military character.

The Cabinet of Ministers of Ukraine should ensure the implementation of the National strategy in the sphere of human rights and the review of the Plan of actions for its realization, taking into consideration the need to protect human rights due to the military conflict.

The Ministry of Defense of Ukraine and the Ministry of Internal Affairs of Ukraine should enhance the efficiency of actions, aimed at ensuring the protection of civil population, residing close to the front line, including the mechanism of evacuating the institutions with persons in custody or under care (penitentiary institutions, psychiatric institutions and orphanages, etc.) If required, the evacuation of the population should be carried out in cooperation with other authorities, including the provision of proper temporary accommodation.

The Ministry of Defense of Ukraine, the General staff of the Ukrainian Armed Forces should constantly monitor the issue of strict prohibition of indiscriminate weapons in the populated areas and the compliance of military personnel with the requirements of international humanitarian law.

The Ministry of Defense of Ukraine should initiate more active clearing up the mines, other explosive remains and dangerous objects (ruined buildings, bridges, military equipment).

The profile committees of the VRU should initiate the introduction of amendments to the Criminal Procedural Code and laws on law enforcement bodies to ensure mandatory video-recording of interrogations and equipping the detention places for the arrested persons in the law enforcement facilities with video-recording devices in order to prevent the use of torture and inhuman treatment.

The Ministry of Justice, the State Penitentiary Service of Ukraine, and the Ministry of Internal Affairs of Ukraine should elaborate and submit for the consideration of the Cabinet of Ministers of Ukraine the draft law on enhancing the efficiency of the activity of the National Prevention Mechanism, providing additional authorities to ensure the implementation of its recommendations; determining the authorities in terms of the initiation of bringing to responsibility the officials, guilty of improper treatment, and on the possibilities of taking other urgent measures, binding for the relevant officials.

During the process of elaborating the provisions of the prison reform, the State Penitentiary Service of Ukraine should be governed by the fundamentals of efficient social rehabilitation and ensure the realization of the following directions:

- reducing the number of the convicts and increasing the financing of the prison system as a basis for systemic upgrade of the facilities and resources, personnel and approaches to the organization of punishment execution;
- refusing from the use of special divisions, if there are no group mutinies;
- impossibility of criminal responsibility for minor disciplinary offences;
- abolishing the institute of in-house investigators.

During the judicial reform and updating of the judicial bench, the judicial bodies should introduce temporary measures which would make it impossible to restrict such natural rights of the convicts as the right to life and health, and personal freedom.

In cooperation with the Ministry of Health Care of Ukraine, the State Penitentiary Service of Ukraine should elaborate the plan of including the system of penitentiary medicine to the general state system of health protection, not allowing any reduction in the level of medical care for the convicts.

The Ministry of Justice should bring the medical protocols of the State Penitentiary Service of Ukraine on providing medical aid in compliance with the international standards, taking into consideration the practice of the ECHR. Proper financing of the medical aid to the convicts should be ensured.

In cooperation with the State Penitentiary Service of Ukraine, the profile committees of the VRU should elaborate the mechanism of evacuating and voluntary transferring the persons, convicted prior to the beginning of the conflict, to the territory, controlled by Ukraine, regardless of the registration of their place of residence to ensure the possibility of their communicating with family members; initiate the elaboration of the actions to ensure social, psychological and other support for family members of the persons, who are forcefully kept in the detention centers in the territory of the Russian Federation and temporarily occupied territory of the Autonomous Republic of Crimea for no proper legal reasons.

THE RIGHT TO A FAIR TRIAL

The Cabinet of Ministers of Ukraine should ensure the implementation of the recommendations of the UN Human Rights Monitoring Mission in Ukraine, stated in the reports of the Office of the United Nations High Commissioner for Human Rights regarding the situation with human rights, in particular, in the part of the responsibility of the law enforcement bodies of Ukraine to ensure the access of a detainee to an attorney immediately after the detention and to restrain from any investigative actions in the absence of the attorney.

The Ministry of Justice should expand the exceptional circumstances to include the requirement of reviewing court decisions not only after the international court institution, whose jurisdiction is recognized by Ukraine, has determined that Ukraine violated international commitments when a Ukrainian court was hearing a specific case, but after the determinations of other international jurisdictional bodies as well, in particular, the UNO Committees.

The Ministry of Justice and the Judicial Administration should envisage the summons (subpoena) via local mass media for persons, whose place of residence is unknown (to ensure the access to the court for residents of the occupied territories and the ATO participants).

The Judicial Administration of Ukraine should elaborate the method of determining the financial situation of a person by courts so that the court could take a decision on postponing the court fee payment or paying it in installments during a specific period, decreasing its amount or exempting from it.

THE RIGHT TO PRIVACY

The Cabinet of Ministers of Ukraine should ensure the implementation of international standards, the Constitution of Ukraine and the laws of Ukraine on the right of citizens to privacy by the central executive bodies, responsible for detention facilities.

The Cabinet of Ministers of Ukraine should terminate any contacts of the Pension Fund of Ukraine with the establishments of the Russian Federation, which result in the transfer of personal data of Ukrainian citizens to the institutions of the aggressor state.

FREEDOM OF MOVEMENT

The Cabinet of Ministers of Ukraine should:

- abolish the permit system for crossing the line of contact within Donetsk and Luhansk regions and introduce the procedure of passport control, similar to the control procedure of crossing the state border;
- restore regular passenger service (railway and buses) across the line of contact within Donetsk and Luhansk regions;
- abolish restrictions of movements for the residents of the areas, located in the “grey zone”;

- increase the control over the procedure of passing entry/exit checkpoints (EEC), make the transparent civil monitoring procedure for civilians, passing the checkpoints, open more “windows” to minimize the lines at the checkpoints; change the regulatory documents and practice of EEC work regarding the shooting attack at the adjacent territories in order to protect people, crossing the line of contact;
- facilitate the access for Ukrainian citizens, leaving the territory of the Crimea or entering it, and ensure their right of property by amending the Resolution No. 1035, which regulates the crossing of the administrative border, in particular, define the list of goods and personal things, which are prohibited (instead of the allowed ones) to take across the entry/exit checkpoint, regulate the procedure of crossing the entry/exit checkpoint via trucks and with domestic animals, not setting the entry/exit checkpoint (administrative border) between the mainland Ukraine and the Crimea equal to the international border in legislation or in practice.

THE RIGHT TO FREEDOM AND PERSONAL SECURITY

The Verkhovna Rada of Ukraine should:

- accelerate the consideration of draft laws on the legal status of missing persons (registration number 5435 dated November 22, 2016), on introducing amendments to some legislative acts of Ukraine (regarding the genetic identification of military personnel) (registration number 2001a dated June 03, 2015);
- accelerate the ratification of the Rome Statute of the International Criminal Court.

The Cabinet of Ministers of Ukraine should ensure the implementation of the recommendations of the Authorized Human Rights Representative to the Verkhovna Rada of Ukraine regarding the violation of the right to freedom and personal security in the detention facilities.

The Prosecutor General’s Office of Ukraine, the State Bureau of Investigation, the National Police of Ukraine, the Security Service of Ukraine should ensure efficient investigation of crimes, related to enforced disappearance and illegal deprivation of freedom.

FREEDOM OF THOUGHT, BELIEF AND RELIGION

The Ministry of Information Policy of Ukraine should elaborate clear conditions and criteria of combating the information war and hybrid hazards, which would allow only restrictions only based on the law and take into consideration international standards. While elaborating and implementing the policy in the sphere of relations between the state and the church, measures should be taken to prevent inter-religious conflicts, or the use of religious communities to promote the state strategic narrative.

The Ministry of Internal Affairs of Ukraine and the Ministry of Defense of Ukraine should take measures to prevent limiting the freedom of belief.

The Ministry of Foreign Affairs of Ukraine should apply legal and international mechanisms to protect freedom of belief and religious organizations in the temporarily occupied territory and in some districts of Donetsk and Luhansk regions, in whose territory the Government of Ukraine does not exercise its authorities.

FREEDOM OF PEACEFUL ASSEMBLY

The National Police of Ukraine should ensure continuous training of policemen about guaranteeing the security of peaceful assemblies pursuant to the Constitution of Ukraine, ECHR and the practice of ECtHR as well as relevant documents of OSCE and the Venice Commission.

Pursuant to the Order of the President of Ukraine No. 449/2017 dated December 29, 2017 “On Liquidation and Creation of Local General Courts”, the Verkhovna Rada of Ukraine should ensure the consistency of court hearings, in particular, “Maidan cases”.

Within the framework of implementing the Action plan in implementing the National strategy in the sphere of human rights, the Ministry of Justice of Ukraine should monitor the implementation of the Law of Ukraine No. 2147-VIII dated October 03, 2017 “On introducing amendments to the Economic Procedural Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Legal Proceedings (CALP) of Ukraine and other legislative acts” in the part of introducing changes to the CALP regarding the procedure of limiting the freedom of peaceful assembly. Following the results of the monitoring, the suggestions should be submitted regarding the reasonability of adopting the draft laws, registration numbers 3587 and 3587-1, and the need of introducing further changes to the legislation to ensure freedom of peaceful assembly.

FREEDOM OF ASSOCIATIONS

The President of Ukraine, the Verkhovna Rada of Ukraine, and the Government of Ukraine should hereafter prevent the introduction of legislative initiatives which limit the freedom of associations and generally infringe on civil rights. Both legislation and practice should ensure the creation of and support for favorable environment for civil society in accordance with the rights, stipulated in ICCPR, the UN Declaration on human right defenders and the Resolutions of the Human Rights Council 22/6 on protecting human right defenders, 27/5 on the safety of journalists and 27/31 on civil society space. At the very least, there should be guarantees for the freedom of associations, freedom for civil society to function without the wrongful interference of the state, to communicate and cooperate, to address the state for financing and protection, and to receive it.

The Verkhovna Rada of Ukraine should abolish the Law No. 6172, which states that employees of non-governmental organizations should submit declarations on their financial situation to the state authorities.

The Verkhovna Rada of Ukraine should abolish the Article 186-5 of the Code of Ukraine on administrative offences which sets the responsibility for management of or participation in un-registered associations of citizens⁹³.

PROPERTY RIGHT

The Committee of the Verkhovna Rada of Ukraine on Legal Policy and Justice should solve the problem of protecting the right of tangible property, in particular in terms of facilitating and improving the availability of the court protection procedure.

The Cabinet of Ministers of Ukraine should implement the complex of measures, aimed at combating corruption at the state level in general and in the sphere of land matters in particular.

The Cabinet of Ministers of Ukraine should solve the issue of systemic failures to implement the decisions of national courts, protecting the property; ensure the fastest implementation of the provisions of the Law of Ukraine “On State Guarantees for Implementing Court Decisions” and allocation of sufficient financial resources for its implementation.

The Cabinet of Ministers of Ukraine should abolish in stages the moratorium on estrangement and change of intended use of land plots of agricultural designation; elaborate the draft laws, which would ensure fair, uncorrupted and free market for land.

The Cabinet of Ministers of Ukraine should improve the protection of rights of land plot owners, create the mechanisms of combating forcible takeover of this land, adopt legislative acts which would regulate the main aspects of land market functioning.

The Cabinet of Ministers of Ukraine should improve the mechanism of changing the intended use of land plots and establish clear criteria, which would be used to determine the possibil-

⁹³ Alternative reports within the 3rd cycle of the Universal Periodic Review of matters in the sphere of respect for human rights in Ukraine. See page 47 // The third cycle of UPR, Ukraine: UNDP in Ukraine, 2017 [Electronic resource] – Access mode: https://helsinki.org.ua/wp-content/uploads/2017/04/UPR_3rd-cycle_CSOs_ua.pdf

ities or restrictions on using the land plot.

The Cabinet of Ministers of Ukraine should create an efficient and comprehensive administrative mechanism of restitution and compensation for the property, destroyed and (or) damaged due to the armed conflict.

ADEQUATE STANDARD OF LIVING

The Cabinet of Ministers of Ukraine should:

- improve the calculation of the subsistence rate, in particular, approve a new set of food products and the set of non-food products and services, approve a new method of assessing this index;
- envisage the financing for the guarantees of respecting socio-economic rights, stipulated in the legislation, in the full scope, terminate the practice of “manual management” while setting the amounts of social benefits;
- restore and / or introduce the programs of affordable housing; create proper conditions to provide internally displaced persons with accommodation.

The State Fiscal Service of Ukraine should elaborate the order “On approving the Anticorruption program of the State Fiscal Service of Ukraine for 2018” with subsequent preparing of similar orders which would allow determining and preparing specific and timely measures to prevent corruption in the State Fiscal Service of Ukraine.

The State Fiscal Service of Ukraine should initiate the practice of public discussion of the results of different “preferential taxation treatments” for tax payers, for instance, “tax holidays”, in order to determine how much the latter met the expectations and whether they actually promoted exercising the right to free economic activity and the support from the state and the authorized state bodies.

In cooperation with the Ministry of Temporarily Occupied Territories and the civil society, the State Fiscal Service of Ukraine should elaborate and introduce the systemic program of supporting small and medium business in the temporarily occupied territories and in the regions, negatively affected by the military conflict in the East of Ukraine.

The State Fiscal Service of Ukraine should practice stage-wise expanding of the instruments of protecting the rights of businessmen by the business ombudsman, learn the institutional development of this approach following the example of Ombudsman+ system, which had positive results in the practice of the Authorized Human Rights Representative to the Verkhovna Rada.

The State Fiscal Service of Ukraine should automatize the procedure of preliminary customs registration and adjust the requirements to the documents from the interested parties maximally close to the international samples which would exclude the requirement of complying with “internal” standards, considerably different from international ones and thus complicating this procedure in Ukraine.

THE RIGHT TO EDUCATION

The Ministry of Education and Science of Ukraine should elaborate efficient mechanisms and procedures of introducing the norms of the Law of Ukraine “On Education”, including the monitoring of the procedures of assessing and ensuring the quality of education, school reporting to the community and the society, and transparency of spending state and non-state finances.

The Ministry of Education and Science should carry out informational and educational work in spreading and popularizing the inclusive approach to providing access to education. There should be special elaborated programs and textbooks for children with different ICD codes of disabilities, and high schools and specialized educational institutions should be supplied with these textbooks. The system of training teachers in terms of methods of working with children with disabilities as well as skills of providing the first medical aid to children who have problems with health should be established.

The Ministry of Education and Science of Ukraine should elaborate the system of comprehensive measures, aimed at expanding the access of the Romani population to education, based on the analysis of their educational needs and principles of de-isolation.

The Ministry of Education and Science of Ukraine should elaborate and approve the General state educational program in human rights which should be used as a foundation to develop state standards and which should mandatorily involve interested non-governmental organizations.

The Ministry of Education and Science of Ukraine should develop the possibilities of distance and external studies, especially for residents of temporarily occupied territories, with simultaneous regulation of the load and tariff classification of teachers, who conduct distance studies, and the maximal number of students in a classroom.

The Ministry of Education and Science of Ukraine should support expanding and realization of students' rights in the management of higher educational institutions and implementation of other innovations of the Law of Ukraine "On Education".

COMBATING DISCRIMINATION

The Verkhovna Rada of Ukraine should adopt the draft law "On introducing changes to some legislative acts of Ukraine (regarding the harmonization of the legislation in the sphere of preventing and combating discrimination with the legislation of the European Union)" dated November 20, 2015 No. 3501 in the second reading and at large, expanding the list of protected features similarly to the Code of laws on labor.

The Verkhovna Rada of Ukraine should return to the consideration of the draft law "On ratifying the Convention of the Council of Europe on preventing violence to women and domestic violence and combating these phenomena" dated November 14, 2016 No. 0119, and ratify the international agreement without any limitations.

The Cabinet of Ministers of Ukraine should improve the legislation on investigations and responsibility for hate crimes.

PARTICIPATION IN PUBLIC AFFAIRS MANAGEMENT

The Verkhovna Rada of Ukraine should urgently consider and approve legislative initiatives, aimed at guaranteeing electoral rights of internally displaced persons, including participation in local elections.

While improving electoral legislation, the Verkhovna Rada of Ukraine should take into consideration the recommendations of international and regional organizations, in particular, the Venice Commission, in terms of ensuring electoral rights of citizens, forming electoral districts, financing political parties, electoral propaganda, functioning of institutions in conducting elections, using informational technologies in the electoral process.

THE RIGHTS OF IDPS AND VICTIMS OF CONFLICT

In cooperation with profile committees of the VRU and other Ministries, the Ministry of Social Policy should elaborate the state program of supporting conflict victims which would envisage the following measures: social and psychological rehabilitation of persons who have been hostages/captives of insurgent groups or have become disabled in the ATO zone; free legal aid, physical safety measures (if required); possibility of receiving new education on a budgetary basis or non-budgetary basis with subsequent reimbursement of the finances.

Profile committees of the VRU should initiate expanding the network of entry-exit checkpoints (EEC) to cross the line of the contact/administrative border and placing the points of serving the residents of the occupied districts of Donetsk and Luhansk regions and the Crimea at EEC (the centers of providing administrative, social, banking services, the services of the notary; free legal aid, etc.). The right to property of citizens should be ensured via expanding the list

of goods and things for personal use, allowed to take across the line of contact/administrative border.

The Cabinet of Ministers of Ukraine should elaborate the mechanism of forming the fund of compensations for material damage, suffered by conflict victims (including payments for medicine and medical treatment, services of psychological and social institutions), which is to envisage the following sources of finances: the State Budget of Ukraine, charitable funds, international aid, other available sources, allowed by the legislation.

The Ministry of Social Policy should initiate the establishment of a working group for elaborating criteria and introducing the differentiated level of compensation for material damage, taking into consideration different special conditions and individual peculiarities of specific victims of the military conflict. In cooperation with the Ministry of Justice, the Ministry of Social Policy should initiate the elaboration of the mechanism of fulfilling real (debt) commitments in the occupied territories and uncontrolled territories of Donetsk and Luhansk regions in order to protect property rights of military conflict victims.

The Ministry of Temporarily Occupied Territories of Ukraine should initiate the introduction of changes to the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”, setting such additional guarantees of exercising the right to property as creating the register of IDPs’ property within temporarily occupied territories or in the zone of conducting the anti-terrorist operation, to which IDPs do not have any actual access; regulating the procedure of restoring the IDPs’ right to property after returning to the previous permanent residence via the mechanism of restitution or compensation in cases, when restitution is impossible.

Taking into consideration improper functioning of the Unified information database on internally displaced persons (the Ministry of Social Policy), the Cabinet of Ministers of Ukraine should initiate vesting the responsibility of forming and maintaining the database with the Ministry of Temporarily Occupied Territory of Ukraine.

The Cabinet of Ministers of Ukraine should initiate the creation of efficient administrative procedures (by the criteria of simplification, transparency, accessibility and efficiency) of obtaining and restoring the documents, identifying a person and confirming the citizenship, property rights of a person, the facts of birth and death, marriage and divorce, for citizens who lived in the occupied territories. The Cabinet of Ministers should envisage the harmonization of administrative and judicial procedures of establishing such facts with simultaneous exempting of IDPs from paying the court fee in cases on establishing legal facts.

The Cabinet of Ministers of Ukraine should consider the implementation of such matters as initiating infrastructure projects, which would promote the IDPs’ adaptation in the regions they have moved to (building of houses, social facilities); providing grants and credit lines for IDPs to start their own business in Ukraine; creating the system of upgrading qualifications or re-qualification, providing education for displaced persons in the regions they moved to; expanding the list of benefits for employers who employ IDPs; inviting IDPs to move to the communities where large investment projects will be implemented.

THE RIGHTS OF WOMEN

The Verkhovna Rada of Ukraine should adopt the law “On ratifying the Convention of the Council of Europe on preventing the violence against women and domestic violence and combating these phenomena” (Istanbul convention).

The Verkhovna Rada of Ukraine should introduce changes to the Law of Ukraine “On Local Elections” in terms of setting the responsibility for the failure to comply with the requirement of representing at least 30% of persons of the same gender from the total number of candidates for deputies of local councils in the electoral list of multi-member constituencies.

Pursuant to the requirements of the Law of Ukraine “On Political Parties in Ukraine”, the Verkhovna Rada of Ukraine should introduce changes to the Law of Ukraine “On Electing People’s Deputies of Ukraine” regarding the requirement of representing at least 30% of persons of the

same gender from the total number of candidates for deputies of local councils in the electoral list of multi-member constituencies and setting the responsibility for the failure to comply with this requirement.

The Central Elections Commission should harmonize its regulatory legal acts with the requirements of the legislation about 30 % quotas, which define the minimal level of the representation of women and men from one party in the electoral list of candidates for people's deputies of Ukraine, the candidates for deputies of local councils, and avoid violating this requirement.

Pursuant to the requirements of the Law of Ukraine "On preventing and combating domestic violence", the Cabinet of Ministers of Ukraine should elaborate the efficient mechanism of preventing domestic violence and violence by gender and enshrine it in the by-laws.

The Cabinet of Ministers of Ukraine should take all the actions to implement the National strategy in the sphere of human rights up to 2020, related to ensuring the rights of women, as well as other current national programs and plans, related to the rights of women.

The Cabinet of Ministers of Ukraine should introduce and expand gender-oriented education and providing information about the rights of women for all the age categories (pre-school, school age, students, adults).

Efficient mechanism of integrating the rights of women and gender equality into the work of state institutions and local authorities should be elaborated and introduced. The appointments to the positions of managers of different levels should be made on the competition basis only, avoiding gender segregation and preferential treatment of male candidates.

The Cabinet of Ministers of Ukraine should take measures regarding actual introduction of gender-oriented budgeting.

The Cabinet of Ministers of Ukraine should update the methodology of conducting gender-oriented legal expertise of the legislation in force and draft regulatory and legal acts.

THE RIGHTS OF CHILDREN

Taking into consideration great social significance of the issue of deinstitutionalization, the Ministry of Social Policy should disclose current information (for six and twelve months) about the implementation of the National strategy of reforming the system of institutional care for and up-bringing of children for 2017–2026 and the Action plan for the implementation of its first stage, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 526-r dated August 09, 2017.

The Coordination Center for Legal Aid Provision should submit proposals for the consideration of the Minister of Justice regarding a more precise definition of the period and/or the volume (number of hours) for the provision of free secondary legal aid will to be ensured for a child.

In order to prevent cauterizing of children, the Ministry of Social Policy should elaborate the amendments to the Law of Ukraine "On Preventing and Combating Domestic Violence" No. 2229-VIII dated December 07, 2017 to replace the term "a child-insulter" with "a child who committed violence".

In cooperation with relevant central executive bodies, interested institutions and organizations, the Ministry of Social Policy should elaborate and adopt by-laws on comprehensive interinstitutional preventing and combating domestic violence in the families with children, providing assistance and protection to affected children and correcting the behavior of children, who committed domestic violence.

The Cabinet of Ministers of Ukraine should promote the development of inclusive education, expanding it beyond the category of children with disabilities.

The Cabinet of Ministers of Ukraine should create the system of catamnesis and introduce the programs of early intervention in all the regions of Ukraine.

THE RIGHTS OF PEOPLE WITH DISABILITIES

The Verkhovna Rada of Ukraine should introduce the provisions of the UN Convention on the rights of people with disabilities into the national legislation, in particular, the ones on preventing discrimination of people with disabilities, providing reasonable adjustments, including the ones in the spheres of employment, deinstitutionalization and services at the place of residence.

To ensure efficient implementation of the International Classification of Functioning, Disability and Health, the Cabinet of Ministers should elaborate a draft project of amendments to the legislation on rehabilitation services for people with impaired health and submit it for the consideration of the Verkhovna Rada of Ukraine.

The Ministry of Education should study the issue of reasonability of uniting the children with special educational needs into separate groups with special conditions and elaborating the system of unified assessment during the approbation of EIT using Braille type. Special conditions should be created as close to the place of residence / study as possible.

The Ministry of Social Policy should elaborate the Order of reimbursing the cost of independently purchased technical and other rehabilitation devices, stipulated in part 1 of Article 27 of the Law of Ukraine “On rehabilitation of disabled people in Ukraine”.

THE RIGHTS OF PEOPLE WITH MENTAL HEALTH PROBLEMS

The Verkhovna Rada of Ukraine should coordinate Article 42 of the Civil Code of Ukraine and part 3 of Article 300 of the Civil Procedural Code of Ukraine regarding the possibility for a person with a physical disability to submit an application for the restoration of legal capacity.

The Verkhovna Rada of Ukraine should introduce changes to paragraph 2, part 4, Article 63 of the Civil Code of Ukraine, stating it as follows, “While appointing a trustee for a minor and a person, who has been deemed disabled, and while appointing a guardian for a minor and a person, whose legal capacity is limited, the desire of the person under care should be taken into consideration”.

The Verkhovna Rada of Ukraine should introduce changes to Article 43 “Fundamentals of the legislation of Ukraine on health care” in the part of abolishing the provision about the consent of the trustee to medical intervention regarding a legally incapable person.

Due to low capacity of trusteeship and guardianship bodies to control the respect for human rights of legally incapable persons during their hospitalization, the Verkhovna Rada of Ukraine should introduce changes to Article 13 of the Law of Ukraine “On Psychiatric Care”, vesting the controlling functions with the judicial bodies.

The Cabinet of Ministers of Ukraine should elaborate a draft law on introducing changes to the Law of Ukraine “On Free Legal Aid” on ensuring the right of legally incapable persons and persons with limited legal capacity to direct appeal for primary and secondary free legal aid and submit this draft law for the consideration of the Verkhovna Rada of Ukraine.

The Cabinet of Ministers of Ukraine should enhance the capability of trusteeship and guardianship bodies, in particular, via elaborating relevant legislation and providing material support for relevant institutions.

While elaborating the Action plan for the implementation of the Concept of protecting mental health for the period up to 2030, the Cabinet of Ministers of Ukraine should take into consideration long-term decisions about reforming other spheres and get local government bodies and other stakeholders involved into consultations about its elaboration.

While planning and introducing long-term decisions in the sphere of reforming health care, the Cabinet of Ministers should take into consideration the specificities of the sphere of mental health-related services.

25. Recommended reference sources

1. Втрачений голос. Чи довічна ця німота? / Сергій Мовчан, Олексій Біда, Ольга Айвазовська, Олександр Ключев / Українська Гельсінська спілка з прав людини, Громадянська мережа ОПОРА – К., КІТ, 2018. – 44 с. з іл., <https://helsinki.org.ua/wp-content/uploads/2018/01/Vtracheniyj-holos.pdf>
2. Гендерна рівність, права жінок, протидія гендерно зумовленому насильству: Доповідь, представлена до універсального періодичного огляду організації об'єднаних націй. 28 сесія Ради з прав людини ООН з Універсального періодичного огляду (третій цикл). – Режим доступу : <http://hro.org.ua/files/docs/1494932877.pdf>
3. Загублені в папірцях: дотримання соціальних прав внутрішньо переміщених осіб / О. А. Біда, А. Б. Блага, О. П. Ляшук, О. А. Мартиненко, С. Д. Мовчан, Б. С. Мойса, Р. В. Рачок, В. В. Філатов; за заг. ред. А. П. Буценка / Українська Гельсінська спілка з прав людини, https://helsinki.org.ua/wp-content/uploads/2018/01/zagubleni_ukr.pdf
4. Звіт за результатами моніторингу імплементації Національної стратегії у сфері прав людини. Підготовлений учасниками Меморандуму про співпрацю між представниками громадянського суспільства та Уповноваженим Верховної Ради України з прав людини / Ред. кол.: Семборкіна К., Блага А., Мойса Б. та ін.; за заг. ред. А. Буценка, Б. Крикливенко. – К., 2017. – 17с., <https://helsinki.org.ua/wp-content/uploads/2017/09/Zvit.pdf>
5. Звіт національної системи моніторингу ситуації з внутрішньо переміщеними особами. Квітень 2017 р. – С. 7. / [Електронний ресурс]. - Режим доступу: http://mtot.gov.ua/wp-content/uploads/nms_report_march_2017_ukr_new.pdf
6. Крым без правил. Тематический обзор ситуации с правами человека в условиях оккупации». - Вып. 4 - Информационная оккупация / Под общей ред.: С. Заец, Р. Мартыновский, Д. Свиридова. – Киев, 2017. - 92 с., https://helsinki.org.ua/wp-content/uploads/2016/04/4Kr_Ru_fin_18.12.2017.pdf
7. Моніторинг незаконного насильства в поліції України (2004-2017 рр.) / Д. Кобзін, А. Черноусов, К. Коренева, М. Колоколова. / Харків, Харківський інститут соціальних досліджень (ХІСД). - 2017.
8. На межі виживання: знищення довкілля під час збройного конфлікту на сході України / А. Б. Блага, І. В. Загороднюк, Т. Р. Короткий, О. А. Мартиненко, М. О. Медведева, В. В. Пархоменко; за заг. ред. А. П. Буценка / Українська Гельсінська спілка з прав людини, <https://helsinki.org.ua/wp-content/uploads/2017/06/Na-mezhi-vyzhyvannya.pdf>
9. Незаконні затримання та катування, здійснені українською стороною в зоні збройного конфлікту на Сході України: Інформаційний звіт Української Гельсінської спілки з прав людини, Харківської правозахисної групи та неурядової організації «Truth Hounds»/ Андрій Гладун, Світлана Валько, Сергій Мовчан, Олег Мартиненко, Яніна Смелянська/ Українська Гельсінська спілка з прав людини, Харківська правозахисна група, неурядова організація «Truth Hounds» — Київ, 2017. — 28 с., <https://helsinki.org.ua/wp-content/uploads/2017/06/Nezakonni-zatrymannia-ta-katuvaniia.pdf>

10. Резюме Звіту за результатами моніторингу імплементації Національної стратегії у сфері прав людини (1 грудня 2015 року – 01 грудня 2017 року), https://helsinki.org.ua/wp-content/uploads/2017/12/Web_NazStrategy_HumanRights_Ukr_A5.pdf
11. Свобода слова в умовах інформаційної війни та збройного конфлікту / А.Б. Блага, О.А. Мартиненко, Б.С. Мойса, Р.В. Шутов; за заг. ред. О.А. Мартиненка/ Українська Гельсінська спілка з прав людини. – К., 2017. – 85 с. з іл., https://helsinki.org.ua/wp-content/uploads/2018/01/Web_Svoboda_Slova_A5_Ukr3.pdf
12. Універсальний періодичний огляд: альтернативний вимір. Компіляція альтернативних доповідей організацій громадянського суспільства. Третій цикл УПО, Україна: ПРООН в Україні, 2017. https://helsinki.org.ua/wp-content/uploads/2017/04/UPR_3rd-cycle_CSOs_ua.pdf
13. Управління Верховного комісара Організації Об'єднаних Націй з прав людини. Доповіді щодо ситуації з правами людини в Україні за період з 16 лютого по 15 листопада 2017 року
14. Що українці знають і думають про права людини: загальнонаціональне дослідження / [І. Бекешкіна, Т. Печончик, В. Яворський та ін.]; під заг. ред. Т. Печончик. – Київ, 2017. – 308 с.
15. Щорічна доповідь Уповноваженого Верховної Ради України з прав людини 2017
16. Щорічний звіт про результати діяльності Уповноваженого у справах Європейського суду з прав людини у 2017 році. <https://minjust.gov.ua/files/general/2018/02/20/20180220171407-57.pdf>