

The Committee recommended that the government:

- ▶ draft and adopt directly enforceable regulatory instruments to ensure that the provisions of the Convention, and the relevant constitutional provision, are applied in practice;
- ▶ give priority to the adoption of a new Criminal Code defining torture as a punishable offence, and of a new Code of Criminal Procedure guaranteeing in practice the right of an accused person to counsel at all stages of criminal proceedings, as well as to effective and practical supervision by the courts of preliminary confinement to preclude any use of torture at that stage of detention or arrest or at subsequent stages of criminal proceedings;
- ▶ extend supervision by the judicial and civil authorities over the work of the law enforcement agencies and establish a system of independent institutions for rapid and effective follow-up of complaints regarding the use of torture and other degrading treatment or punishment;
- ▶ give the widest possible publicity to the main provisions of the Convention through the press and other media and make available practical training in the rules and standards of the Convention for investigators and the staff of penal institutions;
- ▶ prohibit by law the interrogation of any person detained or arrested without the participation of defence counsel or when the person is being held incommunicado;
- ▶ reduce the time during which an accused person may be held in custody from the present maximum of 18 months;
- ▶ undertake a radical reform of correctional institutions (colonies, prisons) and places of pretrial detention to ensure full compliance with the provisions of the Convention, particularly with regard to use of solitary confinement and conditions of imprisonment;
- ▶ give permanent effect to the moratorium on the application of the death penalty;
- ▶ organize special training for the personnel of correctional institutions, and especially doctors, in the principles and standards of the Convention; and,
- ▶ establish by law a procedure for providing redress for injury caused to victims of torture (including compensation for moral injury) and to define the arrangements, amount and conditions for such compensation.

Rights of the Child

Signed: 21 February 1990; ratified: 28 August 1991
Ukraine's second periodic report is due 26 September 1998.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 17, 18, 19, 28, 76, 86; E/CN.4/1997/60/Add.1, paras. 514–522)

The report cites information indicating that: Ukraine is among the countries with the highest annual number of executions in the world; there is great official reluctance to reveal statistical information on the death penalty, which is regarded as a state secret; this secrecy extended to relatives, who are

not informed in advance of the date of a prisoner's execution and are not, after the execution, entitled to the body, which is buried in an unmarked grave in a location not revealed to the family; despite the moratorium on executions, death sentences have been imposed and a number of executions might have been carried out; and, the authorities have not informed local officials and bodies that a moratorium is in force, as a result of which persons continued to be at risk of execution.

Three urgent appeals were sent to the government involving persons facing imminent execution after appeals for clemency were denied. The government responded to the information and stated that in the cases where ill-treatment had been alleged records of the cases contained no indication of use of physical violence or use of unauthorized methods of investigation.

Mercenaries, Special Rapporteur on the use of: (E/CN.4/1997/24, paras. 17, 22)

The report refers to information provided by the government on criminal legislation currently in force which makes mercenary activity a criminal offence. Various provisions in the Criminal Code were cited addressing the recruitment, financing, maintenance and training of mercenaries and participation for payment without permission from the appropriate state authorities in the armed conflicts of other countries. The government also noted that the Ukrainian Citizenship Act stipulates that citizenship shall not be granted to anyone who has carried out crimes against humanity or genocide, or perpetrated acts of violence against national statehood and, further, that citizenship shall be forfeited by any person entering military service, the security service or the police without the agreement of the Ukrainian authorities.

Racial discrimination, Special Rapporteur on: (A/52/471, para. 23)

The Special Rapporteur's interim report to the General Assembly refers to a resurgence of police brutality against Roma, including arrest and ill-treatment in detention. The report also refers to a case in January 1997 in which police officers invaded the homes of two Roma families on the pretext that they were looking for a thief. Information related to the case indicated that the police officers struck the adult members of the two families and forced two children aged 16 and 10 to stand and recite "Gypsies are bastards, the best place for them is in the graveyard."

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 56)

The report notes that Ukraine is one of the country's from which the largest number of women and girls are being trafficked from the East to the West.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, para.24, 30, 35)

The working paper refers to laws on refugee status, language, national minorities and the entry and departure of nationals. The paper also refers to internal migration as a result of the Chernobyl disaster as well as reports in the Ukrainian media that, in 1995, 18.2 million foreigners entered Ukraine while only 17.4 million left. The report notes that in 1995 administrative proceedings were taken against 70,000