

UKRAINE

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Ukraine has submitted a core document (HRI/CORE/1/Add.63) for use by the treaty bodies. The report prepared by the government contains information on the territory and population, social and economic indicators, a brief historical review and information on the state organization, political regime and form of government.

The legal framework for the protection of human rights is established by the Constitution which sets out the full range of social, economic, political and personal rights and freedoms as well as such principles as equality before the law, the right to defence counsel and open and public trials. The trend in Ukraine has been towards a more widespread use of judicial proceedings in the protection of citizens' rights and a more limited recourse to administrative discretion. Remedies for violations may be sought through both civil and criminal proceedings. In addition to remedies through the courts, the draft Constitution (as of 28 November 1995) provided for the establishment of the Plenipotentiary Supreme Court on Human Rights to strengthen extra-judicial protection of human rights and there was a proposal to set up an interdepartmental commission for human rights to coordinate the activities, ministries, departments and institutions related to human rights. In cases where there is an inconsistency between domestic legislation and international treaties to which Ukraine is a party the provisions of the international treaty apply.

Economic, Social and Cultural Rights

Signed: 20 March 1968; ratified: 12 November 1973

Ukraine's fourth periodic report is due 30 June 1999.

Reservations and Declarations: Paragraph 1 of article 26.

Civil and Political Rights

Signed: 20 March 1968; ratified: 12 November 1973

Ukraine's fifth periodic report is due 18 August 1999.

Reservations and Declarations: Paragraph 1 of article 48; a declaration under article 41.

Optional Protocol: Acceded: 25 July 1991.

Racial Discrimination

Signed: 7 March 1966; ratified: 7 March 1969

Ukraine's 13th and 14th periodic reports were submitted as one document (CERD/C/299/Add.14) which has not yet been scheduled for consideration by the Committee: the 15th periodic report was due 6 January 1998.

Reservations and Declarations: Paragraph 1 of article 17.

Discrimination against Women

Signed: 17 July 1980; ratified: 12 March 1981

Ukraine's fourth periodic report was due 3 September 1994.

Torture

Signed: 27 February 1986; ratified: 24 February 1987

Ukraine's fourth periodic report is due 25 June 2000.

Reservations and Declarations: Article 20.

Ukraine's third periodic report (CAT/C/34/Add.1) was considered by the Committee at its April/May 1997 session. The government's report outlines a number of initiatives taken in the area of constitutional protections and law, related to: limitation of the death penalty to assassination attempts against a figure of state or representative of a foreign state, willful homicide in aggravating circumstances and an attempt on the life of a militiaman, national guardsman or member of the armed forces in connection with efforts to maintain law and order; costs of in-patient treatment for crime victims; pre-trial detention; right to defence counsel; the status of judges; bodies and services dealing with minors; and, the Ukrainian Security Services.

The Committee's concluding observations and comments (CAT/C/XVIII/CRP.1/Add.4) welcomed the constitutional provision prohibiting torture and the fact that Ukraine has signed and intended to ratify the European Convention on Human Rights and its 11 protocols. The Committee also welcomed the incorporation in its legislation provisions on the activities of law enforcement bodies, ensuring respect by personnel for human rights and freedoms and on the obligation to comply with them.

The principal subjects of concern identified by the Committee were: the large number of reports by non-governmental organizations of cases of torture and violence committed by officials during preliminary investigations, causing suffering, bodily injury and, in a number of cases, death; the lack of a sufficiently effective system of independent bodies capable of successfully investigating complaints and allegations of the use of torture, preventing and putting an end to torture and ensuring that the perpetrators of such acts are held fully responsible for them; failure of legislation in force to provide any effective judicial control of the lawfulness of arrests; failure in criminal legislation to define torture as a distinct and dangerous crime; lack of provisions on criminal responsibility for the imposition of inhuman and degrading punishment; the scale on which the death penalty is applied and lack of conformity in this regard with the European Convention on Human Rights and the European Convention on the prevention of torture and inhuman or degrading treatment or punishment; the large number of provisions in the present Criminal Code that envisage the imposition of the death penalty (including an attempt on the life of a militiaman); the systematic mistreatment and beating of recruits in the armed forces; the prevailing conditions in custodial facilities and prisons which may be described as inhuman and degrading, causing suffering and the impairment of health; the difficulty experienced by accused persons in gaining access to a lawyer of their choice in cases where the lawyer's participation in the proceedings depends on presentation of an authorization to act as defence counsel; in the government's report, lack of statistical data on the number of persons serving custodial sentences or arrested as a preventive measure, on the number of complaints made regarding the use of torture or on the number of persons prosecuted for that offence; insufficient information about conditions of detention and lack of details with regard to compensation for persons subjected to torture or their rehabilitation; and, the lack of an independent body for monitoring compliance with all aspects of the Convention.