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Human Rights Committee**Concluding observations on the eighth periodic report of Ukraine***

1. The Committee considered the eighth periodic report of Ukraine (CCPR/C/UKR/8) at its 3820th and 3821st meetings (CCPR/C/SR.3820 and 3821), held on 25 and 26 October 2021 in a hybrid format due to the COVID-19 pandemic restrictions. At its 3833rd meeting, held on 4 November 2021, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the eighth periodic report of Ukraine and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/UKR/8) to the list of issues (CCPR/C/UKR/RQ/8), which were supplemented by the oral responses provided by the delegation, and for the important information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

- (a) The Decree 119/2021, which adopted a new version of the National Human Rights Strategy, on 24 March 2021;
- (b) The Law on Mine Action Measures in Ukraine, on 6 December 2018;
- (c) The Act on Preventing and Combating Domestic Violence, on 7 December 2017;
- (d) The Law on Civil Service, in 2015.
- (e) The National Strategy for Promoting Development of Civil Society in Ukraine until 2026, on 27 September 2021;
- (f) The Strategy for Promoting Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the period up to 2030, on 28 July 2021;
- (g) The Action Plan on the implementation of the National Human Rights Strategy, on 28 October 2020;

* Adopted by the Committee at its 133rd session (11 October – 5 November 2021).

(h) The Second National Action Plan for the Implementation of the United Nations Security Council Resolution 1325 “Women, Peace, Security” for the period up to 2025;

(i) The Action Plan on Implementation of Certain Principles of the State Internal Policy on Temporarily Occupied Territories of Crimea, on 28 March 2018;

(j) The Action Plan on Implementation of Certain Principles of the State Internal Policy on Certain Areas of Donetsk and Luhansk Regions Where State Authorities Temporarily Don’t Execute their Powers, on 11 January of 2017.

4. The Committee also welcomes the State party’s ratification of, or accession to, the following international instruments:

(a) The Convention for the Protection of All Persons from Enforced Disappearance, its Individual Complaints Procedure (article 31) and its Inquiry Procedure (article 33), on 14 August 2015;

(b) The Inquiry Procedure under the Optional Protocol to the Convention on the Rights of the Child (article 13), on 2 September 2016.

C. Principal matters of concern and recommendations

Applicability of the Covenant

5. The Committee, having due regard for General Assembly resolution 68/262 on the territorial integrity of Ukraine, welcomes the measures taken by the State party to ensure the respect of human rights in the non-government controlled areas of the Donetsk and Luhansk regions, as well as in the Autonomous Republic of Crimea, and the city of Sevastopol, temporarily occupied by the Russian Federation. It is nevertheless concerned that individuals in these regions are unable to enjoy the same level of protection of their rights under the Covenant as their counterparts in the rest of Ukraine. Despite the measures taken by the State party, the Committee regrets the difficulties encountered by individuals, including when seeking the issuance of birth certificates in the relevant areas, which requires a prior court decision (art. 2).

6. The State party should take all appropriate measures to ensure that all individuals in all parts of the State party’s territory can effectively enjoy their rights guaranteed under the Covenant. The State party should remove any obstacles to ensure that all children born in its territory are registered free of charge and receive an official birth certificate.

Views adopted under the Optional Protocol

7. The Committee notes with concern the decision of the Grand Chamber of the Supreme Court of Ukraine dated 18 September 2018 concerning case No. 13-53зВ018, which undermines the implementation of the Committee’s Views at the domestic level. The Committee also finds it regrettable that most of the issued Views have not been implemented and are still the subject of follow-up procedures (see, for instance, CCPR/C/80/FU/1, A/69/40 (Vol. I), CCPR/C/116/3, CCPR/C/122/R.2, CCPR/C/128/4) (art. 2).

8. Recalling its general comment No. 33 (2008) on the obligations of States parties under the Optional Protocol, the Committee calls on the State party to cooperate with the Committee in good faith and take all the necessary measures to put in place appropriate procedures that give full effect to the Committee’s Views and thereby ensure access to an effective remedy when there is a violation of the Covenant, as set forth in article 2 (3) of the Covenant.

State of emergency

9. The Committee notes the latest communication to the United Nations Secretary-General, dated 26 November 2019 (C.N.618.2019), informing State Parties of the continuation of the derogations from the obligations of the State party under articles 9, 12

and 17 of the Covenant; that the special regime of pre-trial investigations, enacted by the Law of Ukraine “On Amendments to the Criminal Procedure Code of Ukraine regarding the special regime of pre-trial investigation under martial law, in state of emergency or in the anti-terrorist operation area” is not applicable in the conditions of the Joint Forces Operation; and the withdrawal of derogations from obligations under article 14 of the Covenant. In this respect, in accordance with article 4 of the Covenant and its general comment No. 29 (2001) on derogations from the Covenant during states of emergency, the Committee recalls that procedural guarantees, including, often, judicial guarantees are inherent in the protection of rights explicitly recognized as non-derogable in article 4, paragraph 2 (art. 4).

10. The State party should ensure that measures derogating from its obligations under the Covenant are in full compliance with article 4 of the Covenant. The Committee draws the State party’s attention to its general comment No. 29 (2001), on derogations from the Covenant during states of emergency, particularly paragraph 16, and recalls that procedural, including judicial guarantees, are critical to the protection of rights explicitly recognized as non-derogable in article 4, paragraph 2 and should be respected during a state of emergency.

Gender equality

11. While noting the various measures taken to promote gender equality, and to combat gender stereotypes in the family and in society, the Committee remains concerned about the persistently low representation of women in the public sector, particularly at higher State and local levels, including of women representing vulnerable groups. It is also concerned about the persistent wage gap between men and women (arts. 2, 3, 25 and 26).

12. The State party should:

(a) Strengthen strategies to raise public awareness with a view to combating gender stereotypes in the family and in society;

(b) Continue its efforts to increase women’s participation, particularly in the public sector and their representation at the highest levels, including women representing vulnerable groups; and

(b) Take effective measures to close the wage gap between men and women.

Non-discrimination

13. Despite the legislative initiatives to expand the grounds for discrimination in law, including by adding gender identity and sexual orientation as protective grounds, the Committee is concerned about the lack of a comprehensive anti-discrimination legislation, in line with the provisions of the Covenant. The Committee also notes with concern the lack of information from the State party about the steps taken to address stigma and discriminatory attitudes towards multiple groups, including ethnic minorities, LGBTI, internally displaced persons and persons with disabilities, and to promote sensitivity and respect for diversity among the general public. The Committee is also concerned about cases of Roma not being able to access courts to defend their rights due to lack of identity documents (arts. 2 and 26).

14. The State party should adopt comprehensive anti-discrimination legislation to ensure that its legal framework provides: (a) effective protection against discrimination in all spheres, including in the private sphere, and prohibits direct, indirect and multiple discrimination; (b) a comprehensive list of prohibited grounds for discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation or gender identity, or other status, in line with the Covenant; and (c) for effective remedies in cases of violation. It should also take concrete steps, such as comprehensive awareness-raising campaigns and sensitization activities, to address stigma and discriminatory attitudes and promote sensitivity and respect for diversity among the general public. In line with paragraph 4 of the Order of the Cabinet of Ministers of Ukraine No. 701-r of 11 September 2013, the State party should intensify its efforts to assist Roma persons in obtaining identification documents.

Hate speech and hate crimes

15. While noting the legislative measures taken by the State party to combat hate speech and hate crimes, the Committee is concerned about reports of intolerance, prejudice, hate speech and hate crimes against vulnerable and minority groups, including Roma, Hungarians, Jehovah Witness, Crimean Tatars and lesbian, gay, bisexual, transgender and intersex (LGBTI), in the media and often perpetrated by extreme right-wing groups. The Committee is also concerned at reports indicating that the majority of hate crimes against minority groups are not classified as such under article 161 of the Criminal Code. It regrets the very low number of complaints, investigations and convictions of hate crimes as well as reports indicating amicable settlements mediated under article 161 of the Criminal Code, as opposed to access to judicial remedy. Particularly, it notes with concern the slow pace of the investigations and lack of convictions in cases of the attacks on Roma settlements in Kyiv, Ternopil and Lviv in 2018 and those that occurred in 2019 against seven members of the LGBTI community, participating in a KyivPride event (arts. 2, 19, 20 and 26).

16. The State party should:

(a) **Consider reviewing its legislation to explicitly prohibit hate crimes in accordance with the Covenant and strengthen its efforts to combat intolerance, stereotypes, prejudice and discrimination towards vulnerable and minority groups, including Roma, Hungarians, Jehovah Witnesses, Crimean Tatars and LGBTI, by, inter alia, increasing training for law enforcement personnel, prosecutors and the judiciary and conducting awareness-raising campaigns;**

(b) **Encourage the reporting of hate crimes and hate speech and ensure that such crimes are identified and registered, including through the establishment of a comprehensive, disaggregated data-collection system; and**

(c) **Strengthen the investigation capacity of law enforcement officials on hate crimes and criminal hate speech, including on the Internet, reinforce the training of judges and prosecutors, and ensure that all cases are systematically investigated, that perpetrators are held accountable with penalties commensurate with the crime and that victims have access to full reparation.**

Violence against women

17. The Committee acknowledges the State party's efforts to combat violence against women, including the opening of a telephone hotline and the creation of shelters. It is concerned, however, by the persistence of violence against women, in particular sexual violence in conflict areas. It also notes with concern the low level of reporting and of prosecution and conviction of perpetrators of violence against women, the lack of information on the availability of legal aid and the lack of effective protection measures for the victims of violence. (arts. 2, 3, 6, 7 and 26).

18. The State party should as a matter of urgency step up its efforts to combat violence against women, including domestic and sexual violence, by, inter alia:

(a) **Pursuing campaigns about the unacceptability and adverse impact of violence against women and systematically informing women of their rights and the avenues available for obtaining protection, assistance and redress, in particular in conflict areas;**

(b) **Ensuring that law enforcement officials, the judiciary, prosecutors and other relevant stakeholders receive appropriate training on gender-sensitive detection, handling, investigation and prosecution of cases of violence against women;**

(c) **Ensuring that cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective remedies;**

(d) **Improving accessibility of support services for victims; and**

(e) **Consider ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).**

Investigation of human rights violations in Maidan and Odesa

19. The Committee is concerned about the slow pace of the investigations and of the corresponding trials on human rights violations, including killings and violent deaths, committed during Maidan protests in January and February 2014, and in Odesa, in May 2014. The Committee finds it regrettable that obstacles are hampering the progress of the investigations into those offences, including the understaffing and underfunding of courts and the so-called “immunity law” (Law No. 743-VII) which has impeded the investigations, in particular of the killings of 13 police officers, allegedly perpetrated by protestors (arts. 6, 7, 9, 14 and 21).

20. The State party should increase its efforts to conduct a thorough and impartial investigation into the human rights violations committed during the Maidan protests in January and February 2014 and in Odesa, in May 2014. The State party should abolish all obstacles in the legislation hampering the investigations of killings and violent deaths, in particular the killing of 13 police officers. It should also ensure that all victims and their relatives are informed of the progress and results of the investigation, identify all perpetrators and ensure that they are prosecuted and punished with penalties commensurate with the gravity of their crimes. Additionally, it should ensure that all victims and their families are provided with full reparation, including adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Right to life and protection of civilian populations

21. The Committee commends the State party on the measures taken to enhance the protection of civilians and the significant improvement in the security situation in the non-government controlled areas of the Donetsk and Luhansk, as well as in the Autonomous Republic of Crimea, and the city of Sevastopol, temporarily occupied by the Russian Federation. It however notes with concern that the National Strategy for the Protection of Civilians in Armed Conflicts for the Period up to 2030 has not yet been adopted. The Committee is concerned about reports of injuries and deaths caused by landmines in eastern Ukraine (art. 6).

22. The State party should continue its efforts to enhance the protection of civilian population in the conflict zone and adopt the appropriate National Strategy for the Protection of Civilians in Armed Conflicts for the Period up to 2030. It should also intensify its efforts to protect civilians, in particular children, against landmines, including through mine clearance programmes, programmes for mine awareness and physical rehabilitation of victims.

Past human rights violations

23. Whilst the Committee welcomes the State party’s assurance to investigate all crimes committed in the context of armed conflict, it notes with concern the lack of progress in investigating and prosecuting grave human rights violations, including summary executions and killings, sexual violence, abductions, enforced disappearances, unlawful or arbitrary detention and torture and ill-treatment, allegedly perpetrated by Ukrainian military and law enforcement personnel in the context of the armed conflict, including in the unofficial detention facility in Kharkiv from 2014 to 2016. It also regrets reports indicating that victims, particularly women, often do not report human rights violations due to fear of reprisals, lack of trust in State institutions and lack of knowledge about their rights. It also notes with concern reports of lawyers being threatened for having defended cases related to the armed conflict. Additionally, the Committee welcomes the commitment expressed by the State party during the dialogue to comply with the Opinion No. 1046/2021 (CDL-REF(2021)055) of the European Commission for Democracy Through Law (Venice Commission) on the draft law “On the Principles of State Policy of the Transition Period” (arts. 2, 6, 7, 9, 10 and 14).

24. The State party should:

(a) Take all possible measures to end impunity for perpetrators of human rights violations, in particular the most serious violations, by systematically conducting prompt, impartial, effective and thorough investigations in order to identify and prosecute those responsible, and to impose appropriate penalties on those who are

convicted of such violations, while ensuring that the families of the victims have access to effective remedies and to full reparation;

(b) **Adopt a comprehensive State policy of reparations to civilian victims of the conflict;**

(c) **Guarantee the protection of complainants, including women and lawyers, against any form of reprisal, and ensure that any case of reprisal is effectively investigated and that the perpetrators are prosecuted and, if convicted, appropriately punished;**

(d) **Ensure that persons convicted for serious human rights violations are excluded from positions of power and authority; and**

(e) **Reconsider the draft law “On the Principles of State Policy of the Transition Period”, taking into due consideration the Opinion No. 1046/2021 (CDL-REF(2021)055) of the European Commission for Democracy Through Law (Venice Commission).**

Enforced disappearance

25. The Committee welcomes the adoption of the Law “On the Legal Status of Missing Persons” in 2018, however it is concerned at its legal imprecisions, scope of application and modes of implementation of its various provisions. In particular, it notes with concern the difficulties in determining which provisions apply to all missing persons and which apply to missing persons during the specific situation of the conflict. Despite the efforts taken, the Committee regrets the challenges faced for the effective functioning of the Commission on Persons Missing due to Special Circumstances and the Unified Register of Missing Persons, both established in 2019. While it notes the introduction of article 146(1) to the Criminal Code defining the crime of enforced disappearance, the Committee is concerned that the penalties foreseen are not commensurate with the gravity and seriousness of the offence (arts. 2, 6, 7, 9, 14 and 16).

26. **The State party should:**

(a) **Revise the legal framework to ensure that all forms of enforced disappearance are clearly defined in criminal law with associated penalties that are commensurate to the severity of the offence;**

(b) **Step up efforts to ensure timely investigations, prosecutions and punishments of all reported cases of enforced disappearances, including when committed in the context of armed conflict;**

(c) **Strengthen the capacity of the prosecutors’ offices specialized in cases of disappeared persons and redouble efforts to investigate all cases of alleged enforced disappearance in a thorough, impartial and transparent manner in order to clarify the whereabouts of disappeared persons and prosecute and punish those responsible; and**

(d) **Take all necessary measures to ensure the effective functioning of the Commission on Persons Missing due to Special Circumstances and the unified Register of Missing Persons, by providing the necessary institutional and budgetary conditions without delay, in accordance with the relevant legislation.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

27. The Committee remains concerned (CCPR/C/UKR/CO/7) at reports of the continued occurrence of torture and ill-treatment by law enforcement authorities and the limited number of convictions despite the high numbers of complaints lodged. The Committee notes with concern that the definition contained in article 127 of the Criminal Code criminalizes only the direct perpetration of torture, but not mere consent or acquiescence by a public official or other person acting in an official capacity, and it does not foresee command or superior responsibility (arts. 2, 7, 9 and 14).

28. **The State party should:**

(a) **Step up efforts to eradicate torture and ill-treatment, ensure that such acts are promptly, thoroughly, and independently investigated, that perpetrators are prosecuted in a manner commensurate with the gravity of their acts, and that victims are provided with effective remedies, including adequate compensation;**

(b) **Establish an effective independent complaints mechanism to deal with cases of alleged torture or ill-treatment; and**

(c) **Amend article 127 of the Criminal Code to include a definition of torture that is consistent with the Covenant and international standards.**

Arbitrary detention of conscripts

29. The Committee is concerned about reports of hunting for conscripts, including conscientious objectors, to deliver them to military assembly points against their will and cases of arbitrary detention of conscripts. It is also concerned about the lack of information on investigations and prosecution of such cases (art. 9, 10 and 18).

30. **The Committee reiterates its previous recommendation (CCPR/C/UKR/CO/7, para. 19) and stresses that alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and should be neither punitive nor discriminatory in nature or duration by comparison with military service. The State party should ensure that abductions and arbitrary detention of conscripts are promptly, thoroughly, and independently investigated, that perpetrators are prosecuted and punished and that victims are provided with effective remedies, including adequate compensation.**

Pretrial detention

31. The Committee is concerned about reports of persons being held in pretrial detention for long periods, contrary to the Covenant. In particular, the Committee is concerned at reports of children being held in pretrial detention for more than a year (arts. 9, 10 and 14).

32. **The State party should ensure that pretrial detention is used only as a measure of last resort, for the shortest possible time, and is reviewed on a regular basis, in line with the Covenant. It should also ensure that pretrial detention of juveniles is avoided to the fullest extent possible. The State party should continue promoting the use of non-custodial alternative measures.**

Freedom of movement

33. The Committee commends the State party on the measures taken to improve the crossing conditions and the establishment of two additional checkpoints in the region of Luhansk. The Committee notes with concern the severe restrictions imposed on civilians by the checkpoints during the COVID-19 pandemic. Despite the exceptional grounds allowing crossing on humanitarian grounds, it notes with concern reports indicating that, in practice, many people allegedly complying with the requirements established by the State party, were nevertheless denied crossing (art. 12).

34. **The State party should guarantee freedom of movement and lift all restrictions incompatible with article 12 of the Covenant, taking into account the general comment No. 27 (1999) on freedom of movement. The State should also ensure that authorities provide clear and transparent reasons for any refusal or limitation in crossing checkpoints and that an appeal process is available in such circumstances.**

Internally Displaced Persons

35. The Committee is concerned that internally displaced persons face multifaceted discrimination, including with regard to their political rights, which hampers their reintegration into society. Despite the enactment of the Electoral Code of Ukraine in 2019 and the improvements on the conditions to exercise the right to vote for internally displaced persons, the Committee is concerned that practical barriers remain and the number of internally displaced persons exercising their right to vote is still low (arts. 12 and 26).

36. **The State party should take legislative and practical measures to combat discrimination against internally displaced persons, including by ensuring their right to vote in practice. In particular, it should take measures to facilitate the procedure for the registration of the factual residence of internally displaced persons and encourage them to exercise their right to vote, including through strategies to raise public awareness of the Electoral Code of Ukraine (2019) and the procedures guaranteeing the full scope of voting rights to internally displaced persons.**

Rights of aliens, including migrants, refugees and asylum seekers

37. The Committee is concerned that some measures taken to address the influx of migrants may infringe the rights protected under the Covenant. In particular, the Committee is concerned that, in practice, asylum-seekers in the transit zones of international airports have no access to an effective appeal mechanism with suspensive effect and that legal assistance and interpretation services are not available. The Committee notes the draft Law No. 3387 “On Granting Protection to Foreigners and Stateless Persons”, nevertheless is concerned about inconsistencies of some of its provisions with the Covenant, including the broad scope of the provisions allowing for detention (arts. 2, 7, 9, 10, 13 and 17).

38. **The State party should:**

(a) **Ensure that any legislation adopted fully complies with the Covenant, particularly guaranteeing the principle of non-refoulement and the right to liberty and security of person, in accordance with the Committee’s general comment No. 35 (2014) on liberty and security of person, and that the principle of non-refoulement is fully respected in transit zones;**

(b) **Provide for free legal aid and translation services to applicants for asylum at the border, in particular in transit zones, to ensure the exercise of their right to appeal in practice;**

(c) **Enhance the training of border guard officials and immigration personnel to ensure full respect of the rights of asylum seekers under the Covenant and other applicable international standards.**

COVID-19 response

39. The Committee notes the information provided by the State party that restrictions to relevant articles within the Covenant, such as 12, 18 and 21, provide a basis for measures to protect public health following the onset of the COVID-19 pandemic. The Committee is nevertheless concerned by reports that significant curtailments of civil and political rights, with particular acute effect in conflict-affected populations, women, Roma, older persons and others were made through resolutions of the Cabinet of Ministers, instead of revisions of the national legal framework, raising concerns about the legality of these measures (arts. 4, 12, 21 and 22).

40. **The State party should ensure that its national legal framework on emergencies and measures adopted, including those relating to the protection of public health, as well as any restrictions, are made in strict accordance with the conditions outlined in the Covenant. Moreover, if the material scope of any curtailment of rights under the Covenant extends beyond the restrictions provided in relevant articles, the State party should avail itself of the right of derogation and immediately inform other States parties to the Covenant, through the intermediary of the United Nations Secretary-General.**

Right to privacy

41. The Committee is concerned about the lack of sufficient safeguards against arbitrary interference with the right to privacy with regard to surveillance, interception activities, access to and disclosure of personal data among State security, intelligence agencies and private actors. The Committee is further concerned at the lack of information on the outcome of criminal investigations carried out on the website Myrotvoretz for the alleged violations on the right to privacy, including the disclosure of personal data of thousands of Ukrainians

and the publication of personal data of individuals allegedly linked to armed groups or labelled as “terrorists” (art. 17).

42. The State party should bring its regulations governing data retention and access thereto, surveillance and interception activities into full conformity with the Covenant, in particular article 17, including with the principles of legality, proportionality and necessity. It should ensure that (a) any such interference with privacy requires prior authorization from a court and is subject to effective and independent oversight mechanisms; and (b) persons affected are notified of surveillance and interception activities, where possible, and have access to effective remedies in cases of abuse. The State party should also ensure that all reports of abuse are thoroughly investigated and that such investigations, where warranted, lead to appropriate sanctions.

Independence of the judiciary and administration of justice

43. Whilst noting the efforts taken by the State party, the Committee remains concerned at:

(a) The lack of measures to fully ensure the independence of judges and prosecutors;

(b) The lack of transparency in the procedure for the appointment and dismissal of prosecutors;

(c) The challenges faced during the qualification assessment of judges, including the lack of a transparent evaluation procedure, allegations of corruption in the assessment process, and the resignation of a high number of judges during the qualification assessment process; and

(d) The insufficient number of judges in the State party resulting in judicial delays and lack of access to justice for a significant number of citizens, particularly in Donetsk and Luhansk (art. 14).

44. The State party should refrain from any interference with the judiciary and safeguard, in law and in practice, the full independence and impartiality of judges and the independence and effective autonomy of prosecutors, by, inter alia, ensuring that the procedures for the selection, appointment, promotion, transfer and removal of judges and prosecutors are in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors. It should promote and encourage the selection of new judges, in accordance with the procedure established, in particular in Donetsk and Luhansk.

Freedom of thought, conscience and religion

45. The Committee is concerned at reports of violence, intimidation and acts of vandalism of places of worship in connection with the process of transitioning churches and religious communities from the Ukrainian Orthodox Church to the newly established Orthodox Church of Ukraine. The Committee is further concerned at the reported inaction of the police in such incidents and the lack of information on investigations conducted by the State party (art. 18).

46. **The State party should:**

(a) **Guarantee the effective exercise of freedom of religion and belief, including by ensuring protection of places of worship against violence, intimidation and acts of vandalism; and**

(b) **Ensure that all cases of violence are thoroughly and promptly investigated and sanctioned.**

Freedom of expression

47. The Committee is concerned at:

(a) The continued reports of intimidation, persecution and assaults committed by various actors, including extreme right-wing groups, against journalists and human rights defenders, particularly anti-corruption, LGBTI and gender-activists;

(b) The systematic flaws in the investigations as well as delays in the criminal proceedings, in particular with regard to the cases of Mr. Oles Buzina (2015), Mr. Pavlo Sheremet (2016) and Mr. Vadym Komarov (2019), whose murders have not yet been solved.

(c) The lack of adequate safeguards in place, including judicial oversight, to ensure that restrictive measures on freedom of expression on national security grounds conform to article 19 of the Covenant and general comment No. 34 (2011) on the freedoms of opinion and expression;

(d) Reports of the disclosure of journalistic information sources, particularly with respect to high-profile cases of corruption, despite the amendment to the Law “On the Prevention of Corruption” in October 2019 defining the legal status, rights and guarantees of whistle-blowers (arts. 2, 6, 7, 14 and 19).

48. The State party should ensure that officials refrain from any interference with the legitimate exercise of the right to freedom of expression of human rights defenders and journalists, that their effective protection against any kind of threat, pressure, intimidation or attack is guaranteed, and that illegal acts are thoroughly investigated, appropriately charged and those responsible brought to justice. The State party should ensure that any restrictions on the right to freedom of opinion on national security grounds comply fully with the strict requirements of article 19 of the Covenant, in the light of general comment No. 34 (2011) on the freedoms of opinion and expression. It should also ensure, in law and in practice, the protection of the confidentiality of journalistic sources, including through adequate judicial safeguards to prevent undue interference on the right to freedom of expression.

The right of peaceful assembly

49. The Committee commends the State party on the measures taken to enhance the protection of peaceful assembly, including the inclusion of the instructions for the National Police and National Guard on handling violent attacks during peaceful assemblies in the National Human Rights Action Plan 2021-2023. Despite these improvements, the Committee is concerned that excessive force is still used by law enforcement officers during demonstrations. It also regrets reports indicating that peaceful demonstrators are often charged with administrative offenses and that officers responsible for perpetrating violence against demonstrators are rarely investigated and prosecuted for such acts. Finally, the Committee remains concerned (CCPR/C/UKR/CO/7, para. 21) at the lack of a domestic legal framework regulating peaceful assemblies. (arts. 7, 14 and 21).

50. The State party should:

(a) **Take measures to effectively prevent and eliminate all forms of excessive use of force by law enforcement officers, including by providing training on the use of force and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(b) **Ensure that all allegations of excessive use of force by State agents during peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, are punished, and that the victims obtain redress; and**

(c) **Expedite its efforts to adopt a law regulating the right of peaceful assembly, in compliance with article 21 of the Covenant and general comment No. 37 (2020) on the right of peaceful assembly.**

Participation in public affairs

51. The Committee commends the State party for the establishment of POLITDATA, the online electronic register of reports on spending of political parties. It is nevertheless

concerned at reports indicating acts of corruption, misuse of state resources and lack of transparency in campaign financings. It regrets the inadequate oversight over campaign funding and spending and the impact it has on fair and equal electoral representation. The Committee is also concerned at the provisions in law allowing for broad discretion to deny registration and to deregister political parties on the grounds of threats to national security and public order, including the established ban on communist and national-socialist parties. In this regard the Committee draws the State party's attention to the Opinion no. 823/2015 (CDL-AD(2015) 041) and No. 1022/2021 (CDL-AD(2021)003) of the European Commission for Democracy Through Law (Venice Commission). It noted with interest the information provided by the State party that the draft Law "On Political Parties" is currently being reviewed, following the Opinion No. 1022/2021 (CDL-AD(2021)003) of the European Commission for Democracy Through Law (Venice Commission).

52. The State party should:

(a) Adopt all necessary measures to ensure transparency and effective monitoring of campaign finances, subject to effective and independent oversight mechanisms;

(b) Ensure that allegations of corruption or misuse of financial resources are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;

(c) Foster a culture of political pluralism and reconsider the limitations for the registration of political parties, which should only be used as a measure of last resort in exceptional cases, proportionate and necessary in a democratic society;

(d) Continue its efforts to review the draft law "On Political Parties", taking into due consideration the Opinion No. 1022/2021 (CDL-AD(2021)003) of the European Commission for Democracy Through Law (Venice Commission).

D. Dissemination and follow-up

53. The State party should widely disseminate the Covenant, its eighth periodic report and the present concluding observations with a view to raising the awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official languages of the State party.

54. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 5 November 2024, information on the implementation of the recommendations made by the Committee in paragraphs 42 (Right to privacy), 44 (Independence of the judiciary and administration of justice) and 48 (Freedom of expression) above.

55. In line with the Committee's predictable review cycle, the State party will receive in 2027 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its ninth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2029 in Geneva.