

**Shadow Report on  
8<sup>th</sup> Periodic Report of Ukraine on the Implementation of  
the International Covenant on Civil and Political Rights  
(CCPR/C/UKR/8)**

**The report was prepared by**



**The Legal Development Network (LDN)**, which is the coalition of the civil society organizations that contributed to development of the amalgamated communities by providing free legal aid.

Its strategic activities are the following ones:

- increasing legal awareness - forming a critical mass of people that know their rights and are able and motivated to exercise them.
- providing communities with expert and legal support - creating conditions for the development of communities that are able to solve their problems through the legal means
- improving the Network's institutional capacity - establishing the united coalition of the civil society organizations that focus their activities on meeting the needs of local communities.

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**The CSO Hubs Network of Ukraine** is the voluntary association of the leading regional civil society organizations in Ukraine that systematically and efficiently influences development of the civil society, social cohesion, observance of the human rights, democratic changes and community capacity building.

The Network's mission is coordinated activities, aimed at promoting development of the civil society in Ukraine, supporting democratic transformations and strengthening the voice of communities.

Strategic activities of the Network are the following ones:

- strengthening the organizational capacity of CSOs and supporting initiative groups for the formation of sustainable civil society at regional and local levels;
- developing the Network's potential as the unique national coalition of leading regional organizations;
- promoting democracy and participating in decision-making at national, regional and

local levels, applying the human rights-based approach.

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**NGO "MART"** is a non-governmental organization that consolidates the community for the active protection of human rights, in particular the rights of children and socially vulnerable groups through the provision of legal assistance, education, monitoring and advocacy.

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### **Chernihiv Public Committee for the Protection of Human Rights**

The purpose of the organization's activities is to protect civil, political, social, economic and other human rights and freedoms.

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### **NGO "Public Holding" GROUP OF INFLUENCE"**

Areas of activity: advocacy, analytics, human rights protection, enhancing the capacity of CSOs to influence public policy and public opinion on overcoming the negative consequences of the conflict.

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### **NGO "Center of Law"**

Areas of activities: Primary legal assistance to the community. Secondary legal aid for community residents and redirection to the system of the free secondary legal aid. Legal assistance to ATO participants. Legal aid to HBO. Legal aid to Roma. Mediation Development of the Parayorist Institute. Legal education. Police and community interaction

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### **NGO "Teritoriya Uspikhu"**

Areas of activities: assistance to victims of human rights violations. Organization of informational and educational events. Monitoring of the situation of human rights. Monitoring of activities of state authorities at national and local level. Advocacy campaigns. Promotion of the organization development of non-governmental organizations.

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**CSO "Podil law liga"** Engaged in the protection human rights through the provision of free primary and secondary legal aid. Increasing the level of legal consciousness of citizens through the implementation of informational and educational activities. CSO development at the regional level.

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## **Introduction**

On 8-9 June 2013, the UN Human Rights Committee reviewed Ukraine's 7th periodic report on the implementation of the International Covenant on Civil and Political Rights and on 23 July 2013, during the 3002<sup>nd</sup> meeting (CCPR/C/SR.3002), adopted the final remarks.

As a result of the review, Ukraine received 23 recommendations related to combating discrimination and racism, ensuring gender equality and freedom of speech, preventing ill-treatment and domestic violence, and eliminating human trafficking.

On 25 July 2018 the Ministry of Justice of Ukraine submitted the 8<sup>th</sup> periodic report to the Human Rights Committee.

After examining Ukraine's implementation of its international commitments under the International Covenant on Civil and Political Rights, the Coalition of the LDN and the CSO Hubs Network prepared a joint shadow report.

### **1. Articles 2, 16, 24, 26 of the International Covenant on Civil and Political Rights, taking into account Recommendations 8 and 12 of the Human Rights Committee for Ukraine, based on results of examining the VII Cycle State Report.**

1.1. The main unresolved issues are the following ones: obtaining basic documents (150 people), registering ownership rights (10 people), allocating land plots out of the land owned by village councils, receiving social benefits (10 people), illegal searches, detentions (300 people). Paragraph 10 of the State Report reads: "The National Human Rights Strategy (Decree of the President of Ukraine No. 501 of August 25, 2015) seeks to promote coordinated activities of various authorities aimed at preventing and combating discrimination, increasing the effectiveness of legal mechanisms for prosecuting those responsible for discrimination, and strengthening awareness-raising efforts to overcome stereotypes, prejudice and intolerance in society."<sup>1</sup> However, the Coalition notes the slow implementation of the "Strategy for Protecting the Rights and Integrating into Ukrainian Society of the Roma National Minority by 2020"<sup>2</sup>, which results in insufficient protection for the Roma people and in the Government's failure to fulfill its commitments. Existing legislation and its incomplete practical application lead to indirect discrimination of the Roma people.

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<sup>1</sup> State Report of the VIII Cycle on the Implementation by Ukraine of the International Covenant on Civil and Political Rights. - P. 5. // [website] – [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=en)

<sup>2</sup> [https://humanrights.org.ua/material/jiak\\_vikonujetsjia\\_romska\\_strategijia\\_v\\_ukrajini\\_chinovniki\\_nazvali\\_cifri\\_](https://humanrights.org.ua/material/jiak_vikonujetsjia_romska_strategijia_v_ukrajini_chinovniki_nazvali_cifri_)

1.2. Unfortunately, the Roma community often falls victim to physical violence at the hands of radical groups due to pogroms. This includes the following events: the assault on and burning of the Roma camp at Lysa Hora in Kyiv by members of the ultra-right organization C14 (Sich) on April 21<sup>3</sup>; the burning of a Roma camp in Lviv Oblast, near the village of Rudne on May 9, 2018<sup>4</sup>; the assault on a Roma camp in Ternopil Oblast, near the village of Velyka Berezovytsia on May 22, 2018<sup>5</sup>, or in Cherkasy Oblast cities Smila<sup>6</sup>, Yatranivka<sup>7</sup> and Zolotonosha<sup>8</sup>. The list is far from being complete since law enforcement almost never records acts with obvious signs of discrimination against the Roma on the grounds of ethnicity and/or involving incitement to violence against the Roma people by radical individuals and groups.

Moreover, representatives of the Roma ethnicity keep having difficulties with meeting their most basic needs. Such barriers are reflected in the experience of the NGO Center of Law as well as other centers for legal information and consultation. Over the past three years, we have provided legal assistance to about 3,000 Roma people.

1.3. The Government notes the existence in the national legislation of provisions designed to counteract discrimination and strengthen legal capacity: "paragraph 20 of the Law of Ukraine No. 1402 of 2 June 2016 "On the Judiciary and Status of Judges" guarantees to each person protection of their rights, freedoms and interests within a reasonable time by an independent, impartial and fair court. Justice is administered on the basis of equality of all parties before the law and court, regardless of race, color, political, religious and other beliefs, sex, ethnic and social origin, financial status, place of residence, language and other grounds.<sup>9</sup> Paragraph 21 of the Law of Ukraine No. 3460 of 2 June 2011 "On Free Legal Aid" prohibits privileges or restrictions based on race, color, political, religious or other beliefs, sex, ethnic and social origin, place of residence, language or other grounds toward persons exercising their right to free legal aid.<sup>10</sup>

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<sup>3</sup> <https://ua-news.liga.net/cryminal/video/opublikovano-video-rozgonu-taboru-romiv-na-lisii-gori-v-kievi>

<sup>4</sup> [https://zaxid.net/ombudsmenka\\_zayavila\\_pro\\_pidpal\\_taboru\\_romiv\\_pid\\_lvovom\\_n1456304](https://zaxid.net/ombudsmenka_zayavila_pro_pidpal_taboru_romiv_pid_lvovom_n1456304)

<sup>5</sup> <https://www.youtube.com/watch?v=QSCXQg8I2UI>

<sup>6</sup> [https://humanrights.org.ua/material/u\\_smili\\_na\\_cherkashhini\\_zhiteli\\_tisnut\\_na\\_romski\\_rodini](https://humanrights.org.ua/material/u_smili_na_cherkashhini_zhiteli_tisnut_na_romski_rodini)

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<http://legalspace.org/ua/napryamki/posilennya-romskikh-gromad/item/9016-cherkashchyna-pravozakhysnyky-zaiavliai-ut-pro-proiavy-dyskryminatsii-u-selakh-yatranivka-i-v-iazivok>

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<http://www.legalspace.org/ua/napryamki/posilennya-romskikh-gromad/item/10616-dii-politsii-u-zolotonoshi-ta-borysla-vi-shchodo-romiv-ie-porushenniam-prav-liudyny-pravozakhysnyky>

<sup>9</sup> State Report of the VIII Cycle on the Implementation by Ukraine of the International Covenant on Civil and Political Rights. - P. 5. // [website] –

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru)

<sup>10</sup> State Report of the VIII Cycle on the Implementation by Ukraine of the International Covenant on Civil and Political Rights. - P. 6. // [website] –

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru)

In accordance with the Civil Code of Ukraine, all individuals have civil rights and obligations. Civil legal capacity of an individual arises at the moment of his or her birth. The interests of a conceived but yet unborn child are protected. The ability to have certain civil rights and obligations may be tied to a certain age. Civil capacity of an individual is terminated at the time of his or her death. Therefore, an agreements that restrict the ability of an individual to have civil rights and obligations that are not prohibited by law are declared null and void.

1.4. However, the Coalition concludes ongoing violations of the rights of the Roma people. A Roma person without identifying documents is essentially unable to turn to court or get free legal aid. Although in accordance with Article 3 of the Constitution of Ukraine, ensuring and protecting human rights and freedoms is the main duty of the state, and in accordance with Article 21 of the Constitution, human rights and freedoms are inalienable and immutable - which means that the state must recognize, observe and ensure people's fundamental rights - in practice, a person must be registered to enjoy full legal capacity, as stated in Article 9 of the Law of Ukraine "On State Registration of Civil Records". Thus, state registration of civil records is required for ensuring the exercise of an individual's rights, and for official recognition and confirmation by the state of a person's birth as well as marriage, divorce, name change and death.

1.5. In accordance with paragraph 4 of the Order of the Cabinet of Ministers of Ukraine No. 701-r of 11 September 2013 adopted in accordance with the Decree of the President of Ukraine No. 201/2013 of 8 April 2013 "Strategy for Protecting the Rights and Integrating into Ukrainian Society of the Roma National Minority by 2020", state bodies should "assist persons belonging to the Roma national minority and legally residing in Ukraine in obtaining identification documents and documents confirming citizenship, birth certificates as well as certificates on state registration of civil records". In accordance with Article 3 of the Law of Ukraine "On State Registration of Civil Records", information on the birth of an individual and his or her origin must be included in the State Register of Civil Records of Citizens. State registration of civil records is performed by bodies of civil records state registration in accordance with the aforementioned State Registration Law, the Civil and Family Codes of Ukraine as well as other legislative acts. In accordance with Article 144 of the Family Code of Ukraine, registration of a child's birth is carried out by a civil records body with simultaneous determination of the child's origin and assignment of a last name, first name and patronym. Registration of a child's birth is certified by a birth certificate, the form of which is approved by the Cabinet of Ministers of Ukraine. In accordance with paragraph 5, part 4, Article 13 of the Law "On State Registration of Civil Records", in the absence of a document from a healthcare institution or a medical advisory commission confirming the fact of birth, a court decision to confirm the fact of birth serves as grounds for state registration. In accordance with

paragraph 7, part 1, Article 315 of the Civil Procedure Code of Ukraine, in case of impossibility of registration of birth by a civil records body, this issue must be resolved in court as a separate proceeding. To appeal to the court, it is necessary to comply with the requirements of procedural legislation regarding the form and content of the application and annexes to it, that is, it is necessary to include identifying documents (passport, birth certificate or individual tax number certificate). Failure to comply with these requirements is grounds for rejecting the application. Therefore, Roma people that have no certificates or passports are unable to defend their rights in court and cannot appeal on court decision.

1.6. Due to the same reasons, they cannot apply for free legal aid as they may not be a party to an agreement and issue a notarized power of attorney to lawyers to represent their interests in court.

1.7. NGO Center of Law has gone to court on behalf of the Roma people on three occasions. Only one case has been brought to its logical conclusion: the court made a just and fair decision in favor of the applicant Leonid Aliyev (case No. 444/1308/18; the court's position in other cases during the preliminary meetings was unequivocal - no document means the applicant doesn't exist - and as a result, our lawyers' authority to represent the applicants was not deemed valid (since there was no notarized power of attorney)).

1.8. In the report, the Government notes the legal norms designed to ensure the rights and protection of the child. "Paragraph 189. According to the Constitution of Ukraine, childhood is protected by the state. Children are equal in their rights regardless of their origin, as well as whether they are born in or out of wedlock." Paragraph 194. "The National Action Plan for the Implementation of the UN Convention on the Rights of the Child by 2021 envisages creating favorable conditions for a child's life and development, ensuring equal opportunities for all children, promoting family values and responsible parenting, protecting children from violence, and creating a child-friendly justice system"<sup>11</sup>.

1.9. Civil society organizations are concerned, however, due to the lack of efforts aimed at ensuring the rights of Roma children. Roma children whose parents have not registered their birth in time are unable to obtain a birth certificate outside of court. Furthermore, even after the court establishes the fact of birth, registration bodies may legally deny registration, since the above-mentioned regulations (current legislation) obligate a person under the age of 16 to provide a passport to state registration bodies.

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<sup>11</sup>State Report of the VIII Cycle on the Implementation by Ukraine of the International Covenant on Civil and Political Rights. - P. 22. // [website] – [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=r](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=r)  
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1.10. The Government states: “paragraph 190. In accordance with the Family Code, parents must immediately, no later than 1 month after the birth of the child, register the birth with a civil records body. Failure to fulfill this obligation is grounds for imposing on them the liability provided for by the law. If the parents are deceased or unable to register the birth due to other reasons, registration is done at the request of relatives or other persons.”<sup>12</sup> Paragraph 191. Under Ukrainian law, birth certificates are issued to all newborn children; a person's right to state registration is fully guaranteed, regardless of the legal status of the child's parents, ethnic or social affiliation. The functioning of the bodies carrying out state registration of the birth of a child is simplified.”<sup>13</sup>

1.11. In accordance with paragraph 3.6 of the Rules for Amending, Updating and Abolishing Civil Records approved by the Order of the Ministry of Justice of Ukraine No. 96/5 of 12 January 2011, state registration of the birth of a child who has reached the age of 16 but whose birth record was not obtained in time, can be done upon submission of a written request from the child and on producing a passport. A completed birth record with the indication, after the serial number, of the words "State registration after expired timeframe" is included in the book of updated civil records on birth. In accordance with paragraph 35 of the Resolution of the Cabinet of Ministers of Ukraine No. 745 of 6 October 2016, the applicant must submit a birth certificate to get a passport. These rules essentially prevent Roma people from obtaining a birth certificate without a passport and vice versa, which, in our opinion, cannot be called a simplification of the procedure. Until these rules are changed or expanded on, it is impossible for Roma people to get a birth certificate or passport through the existing administrative procedure.

1.12. The Government lays out strategic priorities aimed at ensuring the rights of Roma people. "Paragraph 230. The Strategy for Protecting the Rights and Integrating into Ukrainian Society of the Roma National Minority by 2020 and the Action Plan for its implementation are aimed at expanding opportunities for Roma people in education, reducing poverty among them, improving their living conditions, especially in cases of compact living, and developing of the Roma culture.”<sup>14</sup> However, the Strategy largely remains on paper as it lacks funding and has to rely on local budgets. Moreover, Ukraine has yet to adopt any legislative act or amendments that would help implement said Strategy.

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<sup>12</sup> Ibid.

<sup>13</sup> State Report of the VIII Cycle on the Implementation by Ukraine of the International Covenant on Civil and Political Rights. - P. 22. // [website] – [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru)

<sup>14</sup> State Report of the VIII Cycle on the Implementation by Ukraine of the International Covenant on Civil and Political Rights. - P. 26. // [website] – [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=ru)

**2. Article 8 of the International Covenant on Civil and Political Rights, taking into account paragraph 16 of the Final Remarks of the Human Rights Committee for the Government of Ukraine on the results of reviewing the State Report of the VII Cycle.**

2.1. In the state report, the Government states the following. "Paragraph 89. In accordance with the Constitution of Ukraine, the use of forced labor is prohibited. Paragraph 90. In 2016, the State Program for Combating Human Trafficking by 2020 was adopted in 2016. The program provides for a comprehensive set of measures aimed at preventing human trafficking, protecting the victims' rights and providing them with assistance. Paragraph 91. One-time financial assistance for a victim of human trafficking was increased and consists of three minimum wages. Paragraph 92. The following draft laws were adopted in the first reading: No. 6125 of 23 April 2017 "On Amendments to Certain Legislative Acts of Ukraine to Improve the Combating of Human Trafficking and Protection of Victims" aimed at improving the procedure for determining the status of victims and extending the network of institutions that provide assistance to them; No. 6243 of March 27, 2017 "On Amendments to Article 149 of the Criminal Code of Ukraine (On Bringing It in Line with International Standards)" aimed at improving the mechanism of preventing human trafficking. Paragraph 93. The draft laws No. 6275 of 31 March 2017 and No. 6275-d of 24 January 2018 provide for the amendments to certain legislative acts aimed at preventing human trafficking, eliminating circumstances that lead to human trafficking, and increasing punishment for persons providing mediation services in finding employment abroad in violation of the law. Paragraph 94. The draft law "On Amendments to Certain Legislative Acts Concerning the Harmonization of Criminal Legislation with International Law" provides for increased criminal liability for acts of slavery and human trafficking. Paragraph 95. Every year, a large-scale information campaign is conducted to prevent instances of human trafficking and raise public awareness regarding such risks. These campaigns result in more reports and more frequent instances of granted status of a victim of human trafficking. Paragraph 96. Between 2012 and 2018, 542 persons (536 citizens of Ukraine and 6 foreign citizens) were officially recognized as victims of human trafficking, among them 221 women, 267 men, and 54 children. Speaking of the types of exploitation, 300 people were subjected to labor exploitation, 131 - sexual exploitation, 8 - mixed exploitation, 10 people had their organs removed, 50 were forced into begging, 10 children were sold, 1 person became victim of surrogate motherhood, and 32 were forced into criminal activities. The most frequent destinations of human trafficking are Russia - 144 cases, Poland - 35, Turkey - 17, Czech Republic - 6, Italy, Spain and Belarus with 5 cases each. Paragraph 97. In 2017, 146 crimes involving human trafficking were recorded, which is 140% more than in 2016 (60 crimes). The courts examined,

under Article 149 of Ukraine's Criminal Code ("Human trafficking or other unlawful transfer of individuals") 30 criminal cases in 2015, 33 cases in 2016, 36 in 2017. Since 2015, the courts have delivered 80 guilty verdicts under this article. In 2018, 163 criminal proceedings were opened under Article 149 of the Criminal Code, in 53 of which notifications of suspicion were served and 7 persons were convicted. Paragraph 98. Training was conducted for law enforcement officers on the topic "Combating human trafficking: interactive training for law enforcement officers of Ukraine". Free legal centers conducted awareness-raising events "Prevention of Illegal Labor Migration Abroad and Human Trafficking" and "Prevention of Human Trafficking".<sup>15</sup>

2.2. In 2017, Ukraine submitted another report to the Group of Experts on Action against Trafficking in Human Beings of the Council of Europe (GRETA) regarding the observance by Ukraine of the CoE Convention on Action against Trafficking in Human Beings. Nevertheless, these issues still remain unresolved.

2.3. According to a study commissioned by the International Organization for Migration, over 230,000 Ukrainians have fallen victim to human trafficking since 1991, which makes Ukraine one of the countries with the largest number of those who have suffered from contemporary slavery in Europe.<sup>16</sup>

2.4. Thus, in 2017, special units of the National Police that deal with crimes related to human trafficking uncovered 346 crimes under Article 149 of the Criminal Code, which is 3 times higher than the statistics for the previous year (115 crimes in 2016)<sup>17</sup>. According to the Prosecutor General's Office of Ukraine (hereinafter - GPU), 367 persons were recognized as victims of human trafficking during criminal proceedings opened in 2017 (against 69 persons in 2016)<sup>18</sup>. The increase can be explained by stepped up efforts on the part of law enforcement, since 2017 was proclaimed the year of combating human trafficking.

2.5. In October 2018, amendments to Article 149 of the Criminal Code came into force aimed at harmonizing it with international standards in regard to the definition of human trafficking<sup>19</sup>; the future will tell whether this will bring about changes.

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<sup>15</sup> State Report of the VIII Cycle on the Implementation by Ukraine of the International Covenant on Civil and Political Rights. - P. 12-13. // [website] –

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUKR%2f8&Lang=en)

<sup>16</sup> <http://iom.org.ua/ua/protidiya-torgivli-lyudmi>.

<sup>17</sup> [http://mvs.gov.ua/ua/news/12364\\_Sergiy\\_Knyazv\\_Rezultati\\_roboti\\_policii\\_z\\_protidii\\_torgivli\\_lyudmi\\_za\\_2017\\_rik\\_krashchimi\\_za\\_ostanni\\_pyat\\_rokiv\\_FOTO.htm](http://mvs.gov.ua/ua/news/12364_Sergiy_Knyazv_Rezultati_roboti_policii_z_protidii_torgivli_lyudmi_za_2017_rik_krashchimi_za_ostanni_pyat_rokiv_FOTO.htm)

<sup>18</sup> Ibid.

<sup>19</sup> <https://zakon.rada.gov.ua/laws/show/2539-19>

2.6. In regard to recognizing people as victims of human trafficking, the figures of the Ministry of Social Policy have also gone up. In 2017, the Ministry officially recognized 198 people (against 110 in 2016) as victims, including 16 children. All victims are Ukrainian citizens.<sup>20</sup>

2.7. According to the IOM mission in Ukraine, 1,256 victims of human trafficking contacted them in 2017, including 34 children, which is also the highest rate since 2000. IOM statistics also show that almost all victims are Ukrainian citizens.<sup>21</sup>

2.8. The forms of human trafficking not related to sexual exploitation are becoming increasingly widespread. Most people recognized as victims of human trafficking by the IOM or the Ministry of Social Policy in 2017 were subjected to labor exploitation (respectively 90% and 68.7% of the total number).<sup>22</sup>

2.9. It should be noted that there are numerous cases where Ukrainian citizens are forced into criminal activities in foreign states (Russia, Brazil, Thailand, Malaysia, etc.). Thus, according to the Ministry of Internal Affairs of Ukraine, more than 46% of all instances of human trafficking recorded in 2017 were specifically related to this type of exploitation. The situation with domestic human trafficking is also deteriorating.<sup>23</sup>

2.10. There are also numerous problems with criminal investigations. According to the Ministry of Internal Affairs of Ukraine, 149 notifications of suspicion were served in 2017, including 137 based on circumstances recorded during the reporting period.<sup>24</sup> Thus, the suspects were notified of the charges only in 40% of recorded offenses, and even fewer made it to the court with an indictment. There were instances when a case was either closed or reclassified.

2.11. Another issue is the punishment of recruiters. Thus, according to statistics for the recent years, courts tend to impose minimum penalties on persons involved in the commission of a crime and are overzealous with applying Article 79 of the Criminal Code of Ukraine, which provides for their rehabilitation without isolation from society.<sup>25</sup> The duration of trials and the lack of case law on compensation for victims of human trafficking also remain a problem.

2.12. Proper medical care, free social and legal aid, as well as compensation for victims of human trafficking, including rehabilitation.

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[www.kmu.gov.ua/ua/news/osnovni-dosyagnennya-ukrayini-u-sferi-protidivni-torgivli-lyudmi-obgovoryuvalisya-u-polshchi-na-shchorichnij-oglyadovij-naradi-obsye-z-problematiki-lyudskogo-vimiru](http://www.kmu.gov.ua/ua/news/osnovni-dosyagnennya-ukrayini-u-sferi-protidivni-torgivli-lyudmi-obgovoryuvalisya-u-polshchi-na-shchorichnij-oglyadovij-naradi-obsye-z-problematiki-lyudskogo-vimiru)

<sup>21</sup> <http://stoptrafficking.org/>

<sup>22</sup> <http://www.stoptrafficking.org/sites/default/files/mom/IOM%20VoT%20Statistics%20UkJune2018f.pdf>

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Training Manual for Judges on Proceedings in Criminal Cases on Human Trafficking for the Purpose of Labor Exploitation / Mission of the International Organization for Migration in Ukraine. — Kyiv : Feniks, 2014. — P.121-124 [http://www.iom.org.ua/sites/default/files/posibnik\\_dlya\\_suddiv.pdf](http://www.iom.org.ua/sites/default/files/posibnik_dlya_suddiv.pdf)

2.12.1. Current legislation contains enough provisions to protect the rights of the victims, but there are some problematic aspects. Thus, the "Methodological Recommendations on the Application of Criteria for Identifying Victims of Human Trafficking" have not yet been approved (the order of the Ministry of Social Policy has been stuck at the Ministry of Justice for a long time); in addition, the amendments to the Law "On Combating Human Trafficking" on involving local authorities in the efforts have not been introduced, which is a serious problem in light of the ongoing decentralization and reduction of the staff of district state administrations.

2.12.2. Access to certain types of assistance remains problematic, especially to medical care. There are many cases where it is sorely needed. Even if it is included in the rehabilitation plan, it is either inaccessible, of poor quality, or untimely.

2.12.3. Specialized institutions availability is an additional issue. Although a victim can find temporary shelter in social and psychological rehabilitation centers, there are no such institutions in Vinnytsia, Kyiv, Poltava, Kharkiv and Kherson oblasts. In addition, the existing facilities do not always have room for the victims, and medical examination as well as registration are required for stays. The institutions in Donetsk and Luhansk oblasts are unable to accommodate the victims as they are located in temporarily occupied territory.

2.12.4. Unfortunately, the Law of Ukraine "On the Provision of Free Legal Aid" (Article 14) has not yet been amended to allow victims of human trafficking to receive free secondary legal aid at local secondary legal aid centers, as they currently are not considered subjects of such centers since they are not covered by Article 14 of the aforementioned Law. The victims are thus unable to get the free legal aid guaranteed by the Law of Ukraine "On Combating Human Trafficking".

### 2.13. Coordination of activities aimed at combating human trafficking

2.13.1. In 2016, the State Social Program on Combating Human Trafficking by 2020 was adopted, which introduces a comprehensive set of measures to prevent human trafficking and protect the rights of - and provide assistance to the victims. Appropriate programs were adopted at the level of regional councils as separate programs or special sections of other programs.<sup>26</sup>

2.13.2. In accordance with Article 13 of the Law of Ukraine "On Combating Human Trafficking", a National Cooperation Mechanism for Entities Involved in Combating Human Trafficking was established to provide assistance to victims of human trafficking.

2.13.3. Thus, inter-departmental coordination councils are operating in all regions, dealing with the issues related to the fight against human trafficking at the national and local levels (oblast and rayon) . However, coordination of their activities at the national and local level still remains problematic.

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<sup>26</sup> <https://zakon.rada.gov.ua/laws/show/111-2016-%D0%BF>

2.13.4. Currently, cooperation exists between the Ministry of Social Policy and NGOs that combat human trafficking. However, in most cases, monitoring of implementation of anti-trafficking programs in Ukraine is carried out by NGOs, even though, in order to monitor the implementation of the State Target Anti-Trafficking Program, monitoring visits to Ukrainian regions are conducted every year with the participation of representatives of the IOM, OSCE Project Co-ordinator in Ukraine, Ministry of Social Policy, Ministry of Internal Affairs, Ministry of Education and Science and Ministry of Healthcare.

2.13.5. However, monitoring of implementation of local programs is carried out today exclusively by NGOs. Thus, in 2018, NGOs conducted monitoring of anti-trafficking programs in 15 oblasts, which revealed lack of funding for these activities from local authorities.<sup>27</sup>

### **3. Article 10 of the International Covenant on Civil and Political Rights**

3.1. As of 1 November 2018, 55,411 people were being held in 136 institutions of the State Penitentiary Service of Ukraine. Of these, 49,433 are receiving medical care at the state healthcare institutions of the State Healthcare Center of the State Penitentiary Service of Ukraine. Almost 4,000 people in prisons are HIV-positive<sup>28</sup>. The number of HIV-positive people in prisons is 23 times higher than the national average. 60% of convicts have hepatitis C, 15% are HIV-positive, and 75% of new cases of tuberculosis occur specifically in prisons. The number of convicts suffering from tuberculosis as of the end of 2017 was 1,356, including 273 people held in pre-trial detention facilities (against 1,850 people a year ago). If we take 1,000 convicts, the number of such patients in 2017 decreased from 30.63 to 23.75.

3.2. Infirmaries are in poor condition, they do not have proper ventilation, bactericidal lamps, disinfectants and proper sanitary and living conditions<sup>29</sup>. In some facilities, fluorographic equipment does not work or is outdated. There is a shortage of medical staff, some facilities have no medical license and accreditation certificates; there are cases of interrupted anti-TB treatment due to limited access to medicines; in some facilities the right to confidentiality is violated and medical records are freely available.

3.3. Facilities that are not located in regional centers have a limited number of narrow-profile specialists: psychiatrists, dentists, therapists, urologists, etc.

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<sup>27</sup> <http://khpg.org/index.php?id=1523305459>

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<http://www.ombudsman.gov.ua/ua/all-news/pr/v-chernigivskomu-slidchomu-izolyatori-nayavni-porushennya-prav-vyazniv/>

<sup>29</sup>

<http://www.ombudsman.gov.ua/ua/all-news/pr/v-chernigivskomu-slidchomu-izolyatori-nayavni-porushennya-prav-vyazniv/>

3.4. Penitentiary institutions do not provide proper working conditions for convicts: they are forced to work without protection and without knowing how much they have earned; no fixed-term contracts are concluded.<sup>30</sup>

3.5. Punishment cells are located in basements or basement-like premises and are in need of renovation; they lack proper natural and artificial ventilation and lighting. The ability to regulate the flow of fresh air is limited since the windows are located too high and there are prison window bars on both side.

3.6. There remains the problem of physical violence at the hands of prison guards. After detainees killed an employee of pre-trial facility in Odessa on 17 August, the guards beat them up. The GPU has initiated five criminal investigations related to the incident.

#### **4. Articles 2, 26 of the International Covenant on Civil and Political Rights, taking into account paragraph 8 of the Final Remarks of the Human Rights Committee provided after the review of Ukraine's State Report of the VII cycle.**

4.1. The Coalition is concerned about the lack of an effective mechanism of protection from various types of discrimination. The inability to rely on effective protection is compounded by barriers associated with court fees, which can be considered an excessive burden. High court fees can discourage people from going to court to defend their rights.

4.2. The public is outraged by the continuing practice of discrimination based on the place of residence, in particular regarding deprivation of pensions for persons registered in temporarily occupied territories and in non-government-controlled areas.

4.3. Ukraine's legislative acts of the highest legal power - the Constitution of Ukraine (Articles 22, 46, 64, 92) and the Law of Ukraine "On Mandatory State Pension Insurance" (Article 47) - provide for no restrictions for the right to a pension for people whose registered place of residence is located in Certain Areas of Donetsk and Luhansk Oblasts (ORDLO).<sup>31</sup>

4.4. Ukraine's legal community that helps IDPs restore their violated rights (including in regard to pensions and social benefits) was relieved to hear about the ruling of the Supreme Court of Ukraine of May 3, 2018 in the case No. 805/402/18<sup>32</sup> that concerned termination of pensions payments to an IDP (model case), yet the issue of suspended/resumed pensions for IDPs keeps gaining momentum.

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<http://www.ombudsman.gov.ua/ua/all-news/pr/6818-mn-v-derzhavnij-ustanovi-katerinivska-vipravna-koloniya-46-ye-g-rubi-poru/>

<sup>31</sup> <http://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>

<http://zakon.rada.gov.ua/laws/show/1058-15>

<sup>32</sup> <http://reyestr.court.gov.ua/Review/73869341>

4.5. Guided by the Resolution of the Cabinet of Ministers of Ukraine No. 365 of 9 June 2016 (legislative act of the current legislation of Ukraine that cannot contradict the Constitution of Ukraine and the Laws of Ukraine), Ukraine's Pension Fund continues depriving the most vulnerable groups of the population affected by the armed conflict in Ukraine of their pensions - the elderly and people with disabilities, who are forced to defend their rights in court (*case No. 2240/2645/18, applicant V. Kuzminova, case No. 2240/2975/18, applicant E. Maslyuk, case No. 2240/3404/18, applicant Y. Dovgalyova, case No. 560/3978/18, applicant A. Goncharova, case No. 2240/3395/18, applicant M. Pasichnyk, case No. 2240/2718/18, applicant L. Chekunkova, and many more*).<sup>33</sup>

4.6. It should be noted that this position of Ukrainian state authorities conflicts with the case law of the European Court of Human Rights, which is a source of law in accordance with [Article 17 of the Law of Ukraine "On Enforcement and Application of the Practice of the European Court of Human Rights"](#).<sup>34</sup>

4.7. As the European Court of Human Rights (hereinafter - ECtHR) states in its judgment in the case *Pichkur v. Ukraine*<sup>35</sup>, which became final on 7 February 2014, the right to receive a pension became dependent on the applicant's place of residence. This led to the situation in which the applicant, having worked for many years in his country and having paid contributions to the pension system, was deprived of the right to a pension on the sole ground that he no longer resides in Ukraine (paragraph 51 of the judgment).

4.8. In paragraph 54 of this judgment, the ECtHR noted that the above considerations of the Court were sufficient to conclude that the difference in treatment of the applicant violated [Article 14 of the European Convention on Human Rights](#) (hereinafter - Convention)<sup>36</sup>, according to which the rights and freedoms guaranteed by the Convention must be ensured without discrimination on any ground - sex, race, color, language, religion, political or other beliefs, national or social origin, belonging to ethnic minorities, financial status, or others reasons, in conjunction with Article 1 of the First Protocol to the Convention, which provides for the right of every individual or legal entity to peaceful enjoyment of one's property and stipulates that no one may be deprived of his or her property except in the interests of society and on conditions provided for by [law](#) and the general principles of international law.

Since the decisions of the ECtHR are the source of law and binding for Ukraine in accordance with Article 46 of the Convention, the courts are obligated to take the case law of the

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<sup>33</sup> <http://reyestr.court.gov.ua/Review/76471820>; <http://reyestr.court.gov.ua/Review/77082830>; <http://reyestr.court.gov.ua/Review/77857847>; <http://reyestr.court.gov.ua/Review/78120823>; <http://reyestr.court.gov.ua/Review/77761850>; <http://reyestr.court.gov.ua/Review/77154772>.

<sup>34</sup> <http://zakon.rada.gov.ua/laws/show/3477-15>

<sup>35</sup> [http://zakon.rada.gov.ua/laws/show/974\\_984](http://zakon.rada.gov.ua/laws/show/974_984)

<sup>36</sup> [http://zakon.rada.gov.ua/laws/show/995\\_004](http://zakon.rada.gov.ua/laws/show/995_004)

ECtHR into consideration, including the judgments in cases "Pichkur v. Ukraine", "Ilascu and Others v. Moldova and Russia"<sup>37</sup>, as a source of law in accordance with [Article 17 of the Law of Ukraine "On Enforcement and Application of the Practice of the European Court of Human Rights"](#).

4.9. Taking into account the above mentioned practice of the ECtHR, termination of pensions for IDPs and delayed pension payments owed them as debt constitute discrimination on the basis of the place of residence.

4.10. Of a particular concern to the human rights community is the adoption by the Government of Ukraine of the Resolution No. 649 of 22 August 2018 "Issue of Debt Repayment on Pension Payments Following Court Decisions"<sup>38</sup>, which essentially eliminates the right to a fair trial for those who have won a litigation (in terms of compulsory and urgent execution of court decisions).

4.11. All the above mentioned circumstances result in significant increase of social tensions among the population and decrease in the level of trust for the Government.

## **5. Article 24 of the International Covenant on Civil and Political Rights.**

5.1. Legislative acts on registration of civil records and granting of Ukrainian citizenship are not harmonized with the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection". This makes registration of birth, determination of origin and granting of Ukrainian citizenship by birth for children of asylum seekers and children whose parents need additional protection non-transparent.

5.2. Thus, the Law "On State Registration of Civil Records" states: "A passport of a citizen of Ukraine or a passport document of the applicant's foreigner shall be submitted for state registration of acts of civil status". Asylum seekers are documented with a Certificate of Request for Protection in Ukraine, which is not passport document. Children are registered with the help of other persons.

5.3. The Law "On Ukrainian Citizenship" provides the definition of person that resides in Ukraine on legal grounds. This definition does not include persons in need of additional protection and those who apply for protection in Ukraine. Only children whose parents reside in Ukraine on legal grounds can obtain citizenship by birth. Thus, children of persons in need of additional protection and those who apply for protection are unable to obtain Ukrainian citizenship by birth.

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<sup>37</sup> [http://zakon.rada.gov.ua/laws/show/980\\_344](http://zakon.rada.gov.ua/laws/show/980_344)

<sup>38</sup> <http://zakon.rada.gov.ua/laws/show/649-2018-%D0%BF>

5.4. It is also necessary to clear up the issue when a child is born to parents none of whom have identifying documents. The law provides that a child born on the territory of Ukraine after 24 August 1991 and who has not obtained Ukrainian citizenship by birth and is a stateless person can be registered as a citizen of Ukraine at the request of a legal representative. When the parents are stateless and have no documents, they may not act as legal representatives of the child. If the parents have no documents, the child cannot become a citizen of Ukraine.

5.5. Problems remain with registration of children in non-government-controlled areas of Ukraine. As of 2014, registration of a child's birth outside the anti-terrorist operation zone is possible in any department of civil records services. However, medical birth certificates issued in non-government-controlled areas bear the seals of the self-proclaimed republics. For that reasons the civil records bodies do not recognize them as valid ones. In this case, the birth of a child is established in court. In 2018, documents confirming the birth of a child issued in temporarily occupied areas of Donetsk and Luhansk oblasts were recognized as legally valid. Implementation of the provisions of this law in the administrative procedure requires legislative regulation.

## **6. Article 25, 26 of the International Covenant on Civil and Political Rights.**

6.1. In 60% of the local councils, there is no procedural mechanism for the application of local democracy rules that would ensure the participation of members of territorial communities in the governance. The role of the members of territorial communities is limited to voting during the elections. Between the elections, people are essentially unable influence decisions of the authorities and local self-government bodies.

6.2. There is no legislation on local referendums.

6.3. There is a rather low level of institutional capacity of citizens to participate in governance in Ukraine.

6.4. The Eighth National Report on the Implementation by Ukraine of Article 25 of the International Covenant on Civil and Political Rights contains an error in the date of registration of a draft law aimed at addressing the difficulties for IDPs with voting in all types of elections. The report mentions number of the draft law (No. 6240 "On Amendments to Certain Laws of Ukraine regarding the Voting Rights of Internally Displaced Persons and Other "Mobile" Groups of Ukrainian Citizens within the Country" of March 27, 2017), but the date of registration belongs to another draft law (No. 4471 "On Amendments to Certain Laws of Ukraine on Ensuring the Voting Rights of Internally Displaced Persons" of April 19, 2016), which does not take into account the interests of "mobile" groups of citizens within the country and contains a number of conflicting provisions, essentially violating the Constitution of Ukraine, allowing foreign nationals and

stateless persons to be elected as President of Ukraine, Members of Parliament, and members of local councils.

6.5. Following the review of the 7<sup>th</sup> periodic report on the implementation of the provisions of the International Covenant on Civil and Political Rights in 2013, Ukraine received about 43 recommendations, but the issue of IDPs' voting rights was not mentioned since Ukraine first faced a large-scale displacement of people within the country only in 2014, after with the beginning of the aggression of the Russian Federation.

6.6. Article 38 of the Constitution of Ukraine states that citizens have the right to participate in state affairs, in countrywide and local referendums, as well as elect and be elected to state bodies and bodies of local self-government. Article 24 of the Constitution states that citizens have equal constitutional rights and freedoms and are equal before the law. There can be no privileges or restrictions based on race, color, political, religious or other beliefs, sex, ethnic or social origin, financial status, place of residence, language or other grounds.

6.7. Article 8 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" states that an IDP exercises his or her right to vote during the elections of the President of Ukraine, MPs, local elections and referendums by changing the place of voting and without changing the voting address, in accordance with part three of Article 7 of the Law of Ukraine "On the State Register of Voters". However, the procedure for changing of the place of voting without the need to change the voting address does not apply to local elections and elections in single-mandate constituencies during parliamentary elections.

6.8. In accordance with the Law of Ukraine "On the State Register of Voters", the voting address of a voter is the place of residence registered in accordance with the Law of Ukraine "On Freedom of Movement and Free Choice of the Place of Residence in Ukraine". According to the Law of Ukraine "On Local Elections", the voter's belonging to a territorial community and his/her permanent place of residence is determined solely by the registered place of residence. The voting address of IDP voters is located in the temporarily occupied territory, based on the person's registered address, not the actual place of residence.

6.9. According to the decision of the Supreme Court of July 25, 2018, registration of IDPs' place of residence is temporary and does not allow voting in local elections. This right is available only to those citizens of Ukraine who permanently reside in their respective area and have a permanent residence in their respective village, town or city.

6.10. Due to conflicting national legislation, IDPs are unable to vote in single-mandate constituencies in national parliamentary elections and local elections in their new communities to which they relocated.

6.11. In October 2014, during the parliamentary elections, none of the IDPs (about 500,000 people as of October 2014) were able to elect MPs in majority constituencies of their new place of residence. In October 2015, during local elections, about 1,345,100 IDPs were unable to elect deputies of local councils.<sup>39</sup>

6.12. According to a poll conducted by the UNDP in 2017, only 8.5% of respondents voted in the extraordinary elections of the President of Ukraine on May 25, 2014, 6.3% voted in the extraordinary parliamentary elections on October 22, 2014, 3.9% voted in local elections in 2015.<sup>40</sup>

6.13. IDPs make up about 4% of Ukrainian voters. The inability to vote in local elections and single-mandate constituencies during parliamentary elections constitutes indirect discrimination based on the place of residence and is contrary to the standards of international law, the Constitution, and the laws of Ukraine.

6.14. Given the vulnerable situation of IDPs (the inability to purchase their own homes or to change registration of their place of residence due to the risks associated with crossing the demarcation line and the risk of losing their property in the occupied territory, as well as the need to maintain official ties with abandoned territories), the state should provide another mechanism for IDPs to exercise their right to vote in all types of elections, in place of the change on residence registration.

6.15. At the same time, the right to be elected is properly ensured.

6.16. In order to address the violation of voting rights of a large number of citizens, the Parliament of Ukraine registered the draft law No. 6240 "On Amendments to Certain Laws of Ukraine" (regarding the voting rights of internally displaced persons and other mobile groups of citizens within the country), which is aimed at improving the procedure for determining the voting address.<sup>41</sup>

6.17. The draft law was developed by the Civil Network OPORA, Public Holding GROUP OF INFLUENCE and International Foundation for Electoral Systems (IFES). Representatives of NGOs Donbass SOS, Human Rights Information Center, Crimea SOS, as well as the Right to Protection and Vostok SOS charitable foundations were also involved in the process. IDPs along with members of the interdepartmental working group for the improvement of human rights law for IDPs of the Ministry of Temporarily Occupied Territories and IDPs took part in the discussion of the draft law (including representatives of the UN Refugee Agency and the Council of Europe).

6.18. The draft law provides that voters can submit a request to the State Register of Voters to determine a new voting address, regardless of the registered place of residence. If the draft law is

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<sup>39</sup>[https://www.vplyv.org.ua/wp-content/uploads/2018/05/UPR\\_A4\\_ua\\_p\\_final.pdf](https://www.vplyv.org.ua/wp-content/uploads/2018/05/UPR_A4_ua_p_final.pdf), c.178f

<sup>40</sup> <https://www.vplyv.org.ua/wp-content/uploads/2018/09/IDP.pdf>, P.36

<sup>41</sup> [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=61425](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61425)

passed, the voting rights of IDPs and other mobile citizens within the country (domestic labor migrants) will be properly protected and increase participation in elections at all levels.

## **Recommendations**

- Adopt a number of legislative documents or amendments to existing ones that would allow Roma people, including children, to obtain identification documents and exercise their rights.
- Guarantee sufficient funding for the implementation of strategic priorities aimed at ensuring the rights of Roma people.
- Take measures to ensure proper implementation of the Strategy for Protecting the Rights and Integrating into Ukrainian Society of the Roma National Minority by 2020.
- Bring national legislation on combating human trafficking in line with international standards.
- Resolve the issue of classifying victims of human trafficking as groups entitled to special benefits, in particular in regard to the provision of free medical and legal assistance.
- Improve current legislation on combating human trafficking, particularly state guarantees regarding mechanisms allowing the victims to get compensation.
- Strengthen measures to combat human trafficking for the purpose of forced labor or services, begging, removal of organs, and involvement in criminal activities.
- Improve professional capacity of the actors involved in the efforts of the national cooperation mechanism to combat human trafficking.
- Take measures to secure the release of Ukrainian citizens that became victims of human trafficking and were detained abroad after being forced to take part in criminal activities.
- Improve coordination between government bodies and NGOs that combat human trafficking.
- Harmonize the Laws "On Ukrainian Citizenship", "On State Registration of Civil Records", "On Refugees and Persons in Need of Additional or Temporary Protection", in order to ensure the rights of children that have applied for protection in Ukraine and persons in need of additional protection in regard to the registration of birth, determination of origin and obtention of Ukrainian citizenship by birth.
- The Parliament of Ukraine should adopt the draft law No. 6240 of 27 March 2017 "On Amendments to Certain Laws of Ukraine (Regarding the Voting Rights of Internally Displaced Persons and Other Mobile Persons within the Country)".
- Include in the Draft Election Code of Ukraine (No. 3112-1), which is being prepared for the second reading, the relevant amendments to ensure the electoral rights of internally displaced persons and other mobile citizens inside the country in all types of election, including at the local level.

- Ensure sufficient funding for the modernization of infirmaries and punishment cells in penitentiary institutions.

- Ensure sufficient funding for providing penitentiary institutions with medical equipment, including fluorographs.

- Ensure sufficient medical staffing in penitentiary institutions.

- Ensure the control by state authorities of compliance with workplace safety rules in penitentiary institutions.

- Expand opportunities for public oversight of the observance of the rights of persons kept in penitentiary institutions.

- The Parliament of Ukraine should adopt the draft law No. 6692 "On amendments to certain laws of Ukraine concerning the right to receive pensions for certain categories of citizens" which was proposed by non-governmental organizations and suggests mechanism for the payment of pensions to people from Temporarily Occupied Territories.

**Examples of violations of the International Covenant on Civil and Political Rights documented by the Legal Development Network since 2014**

1. Helping with documents: a little Roma boy will go to school on time  
<https://ldn.org.ua/success-story/dopomohly-z-dokumentamy-malenkyj-rom-vchasno-pide-do-shkoly/> (Art. 24)
2. Discrimination through pregnancy: illegally fired woman gets her job back  
<https://ldn.org.ua/success-story/dyskryminatsiya-cherez-vahitnist-nezakonno-zvilnenu-ponovyly-na-roboti/> (Art. 2, 26)
3. Mother and daughter proved their right to social benefits  
<https://ldn.org.ua/success-story/maty-ta-donka-dovely-spilne-pravo-na-sotsialni-pilhy/> (Art. 24)
4. Father forbids to take his child to the ATO zone through court  
<https://ldn.org.ua/success-story/batko-cherez-sud-zaboronyv-vyvozyty-dytynu-v-zonu-ato/> (Art.24)
5. Father of a disabled child will be paying alimony  
<https://ldn.org.ua/success-story/batko-dytyny-z-invalidnistyu-splachuvatyme-alimenty-prymusovo/> (Art. 24)
6. Young mother will get free food for her baby  
<https://ldn.org.ua/success-story/moloda-mama-otrymuvatyme-bezshovne-dytyache-harchuvannya/> (Art. 24)
7. Father of a disabled child will be paying more alimony and will cover the cost of his son's treatment.  
<https://ldn.org.ua/success-story/batko-dytyny-z-invalidnistyu-platytyme-bilshi-alimenty-ta-vidshkoduje-vytraty-na-likuvannya-syna/> (Art. 24, 26)
8. Disabled woman was illegally "registered out" of her apartment  
<https://ldn.org.ua/success-story/zhinku-z-invalidnistyu-nezakonno-vypysaly-z-kvartyry/> (Art. 26)
9. Two penalties for the same act: flamboyant activist will not pay an unlawful fine  
<https://ldn.org.ua/success-story/dva-pokarannya-za-odyn-vchynok-epatazhnyj-aktyvist-nezakonnyj-shtraf-ne-splachuvatyme/> (Art. 2)
10. Disabled orphan upholds her right to be on the preferential queue for an apartment  
<https://ldn.org.ua/success-story/syrota-z-invalidnistyu-vidstoyala-pravo-na-pilhovu-cherhu-na-kvartyrui/> (Art. 26)
11. Company decides against laying off a pregnant employee  
<https://ldn.org.ua/success-story/pidpryjemstvo-peredumalo-skorochuvaty-vahitnu-spivrobitnytsyu/> (Art. 2, 26)

12. Daughter of a defender of Ukraine will remain with her father after the divorce <https://ldn.org.ua/success-story/donka-zahysnyka-ukrajiny-pislya-rozluchennya-zalyshytsya-iz-tatom/> (Art. 24)

13. Ukrainian woman gone missing in Turkey has been found <https://ldn.org.ua/success-story/znajslasa-znikla-v-tureccini-ukrainka/> (Art. 8)

14. Young mother receives a birth certificate for her child born in the occupied territory <https://ldn.org.ua/success-story/moloda-mama-otrimala-svidoctvo-na-ditinu-narodzeniu-na-okupovanij-teritorii/> (Art. 24)

15. There will be no deportation: Roma pensioner gets the right to become a citizen of Ukraine <https://ldn.org.ua/success-story/deportacii-ne-bude-romska-pensionerka-otrimala-pravo-stati-gromadankou-ukraini/> (Art. 2)

16. Observance of the rights of the Roma in Ukraine: situation over the past 5 years <http://legalspace.org.ua/napryamki/posilennya-romskikh-gromad/item/10680-dotrymannia-prav-romiv-v-ukraini-shcho-zminylosia-za-ostanni-5-rokiv> (Art. 2)

17. "Equating Roma people with criminals is not only illegal but also false", says Roma human rights activist <http://legalspace.org.ua/napryamki/posilennya-romskikh-gromad/item/10662-ototozhniuvaty-zlochynnist-iz-romskoiu-natsionalnistiu-ne-lyshe-protyzakonno-a-i-nepravdyvo-romskyi-pravozakhysnyk> (Art. 2)

18. The Loshchynivka case can become a "vaccine against xenophobia and lawlessness" for society. <http://legalspace.org.ua/napryamki/posilennya-romskikh-gromad/item/10660-loshchynivska-sprava-mozhe-staty-dlia-suspilstva-shcheplenniam-vid-ksenofobii-ta-bezzakonnia-video> (Art. 2)

19. "Is this because we are Roma?" or Why a young mother with a mental disorder has been kept in a pre-trial detention facility for 5 months <http://legalspace.org.ua/napryamki/posilennya-romskikh-gromad/item/10387-tomu-shcho-romi-abo-chomu-molodu-matir-z-psikhichnim-rozladom-5-misyatsiv-utrimuyut-u-sizo> (Art. 2)

20. IDP woman with one kidney had difficulties with getting disability status <http://legalspace.org.ua/noviny/uspishna-praktika/item/10143-pereselentsi-z-odniieiu-nyrkoiu-ne-khotily-davaty-invalidnist> (Art. 26)

Out of 7,077 cases processed by LDN's legal aid centers, 41 dealt with discrimination. Of these, the largest number was on the basis of disability (13) and marital status (11). 5 were gender-based, two were based on religion, two involved discrimination based on political or other beliefs, one - on the basis of national or social origin. Two more dealt with belonging to certain ethnic minorities. One case was related to the place of birth. Three cases involved discrimination based on

sexual orientation and gender identity.