

Coalition for Personal Autonomy

Submission to the United Nations Committee on Economic, Social and Cultural Rights

NGO Autonomous Advocacy, NGO Institute of Open Religion, NGO Ukrainian Council of Freethinkers and Believers



**AUTONOMOUS  
ADVOCACY** NGO



**Institute of  
Open Religion**



*Ukrainian Council  
of Freethinkers  
and Believers*

Information and suggestions for the list of issues prior to reporting by simplified procedure (LOIPR)

## Ukraine: problems with implementation of the International Covenant on Economic, Social and Cultural Rights

31 August 2018

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## Summary

This submission is prepared by the Coalition for Personal Autonomy to help the United Nations Committee on Economic, Social and Cultural Rights to prepare "list of issues prior to reporting" (LOIPR), the response to which will constitute Ukraine's report under article 16 of the International Covenant on Economic, Social and Cultural Rights.

The submission covers near hundred problems with implementation of the International Covenant on Economic, Social and Cultural Rights with special attention to the problems of: human rights crisis and oppression of personal autonomy in Ukraine; lack of legal safeguards to protect rights guaranteed by the Covenant; lack of legal information and public dialogue on human rights issues; militarization of Ukrainian economy, society, culture, repressions against pacifists and conscientious objectors; unfair distribution of public goods; problems with the registration of religious organizations and discrimination of small religious groups; lack of access to higher education for prisoners and unemployment after serving a sentence; arbitrary deprivation of access to the profession of lawyer and threats of the monopoly of the Bar; poverty among working people; decline of patient autonomy in the mental health system; deprivation of language autonomy; governmental attacks on academic freedom, problems of financing and monopolistic assessment of the scientific research.

## About the Coalition for Personal Autonomy

*Coalition for Personal Autonomy* is a union of NGO Autonomous Advocacy, NGO Institute of Open Religion, and NGO Ukrainian Council of Freethinkers and Believers. The main goal of the coalition is to defend the universal value of personal autonomy.

*NGO Autonomous Advocacy* founded in 2016 under the motto "Ad voco pro sui iuris" ("to call for own right" in Latin) to practice Provocatio ad populum (appeal to the people), which means freedom of speech to demand justice and freedom of association to create fair laws and legal relations, to provide legal aid in autonomous relations between provocateurs ("pro voco" – before call) who call for help and advocates ("ad voco" – toward call) who come to help. Autonomous Advocacy promotes the ideal of free human beings, personal autonomy, universal respect for human rights and freedoms, human security, human economy, justice and peace. Website: <https://www.facebook.com/suilex/>

*NGO Institute of Open Religion* founded in 2015 as association of believers and clergy of Open Religion (Religious Faith in the Supreme Value of Human, Open Religion or Human Worship is the eternal open-soul religion and contemporary spiritual movement of creating the God as the Human continuation to infinity by self-believing, self-trueness and self-ownership of every mind of Universe considered as the Human Soul in the center of all fullness of being) to implement and protect the rights and freedoms, realize public interests relevant to human worship religious beliefs. The Institute prepared and promoted 2 anti-discriminatory amendments to the Ukrainian legislation and won two lawsuits against Ministry of Culture of Ukraine in cases, concerning registration of human worship religious center and Ministry's failure to provide public information on legal reasons of discriminatory practices, harmful for small religious groups. Website: <https://facebook.com/oreligion>

*NGO Ukrainian Council of Freethinkers and Believers* founded in 2016 to realize and protect human rights and freedoms, personal autonomy and social interests in peaceful evolution and spreading of philosophies, religions, ideas, dialogues, polemics, to provide legal consultations for spiritual leaders. Also, the Council published a book "New and Rare Religions and Cults" (in Ukrainian). Website: <https://www.facebook.com/vilnorada>

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## I. General information

### The ideal of free human beings (Preamble of the Covenant)

Human rights crisis in Ukraine is caused by systemic long-term oppression of personal autonomy, ignorant attitudes to human security and human economy. War<sup>1</sup>, poverty<sup>23</sup>, aggressive elitism, social alienation, institutional inequality, total distrust, rampant crime<sup>4</sup>, the state policy of restricting economic, social and cultural freedoms in Ukraine<sup>5</sup>, inefficient support of socially vulnerable groups<sup>6</sup> create the impression of the inaccessibility of the ideal of a free human person and humiliate the dignity inherent in all members of the human family.

### Militarization

Militarist politics in Ukraine turn the state into the war machine, degrading role of the state as protector of economic, social and cultural rights. War is a result of mass coercion to fight, a brutal involvement of people into armed conflict by war machine of conscription, mobilization, military propaganda and repressions against conscientious objectors. 8424 persons in Ukraine are sentenced in 2014-2017 for the crimes of avoiding the military service, such as evasion of conscription and mobilization by the direct refusal, self-harm, simulation of decease, forgery or fraud, as well as unauthorized abandonment of a military unit or duty station, or desertion<sup>7</sup>. 52-year journalist Ruslan Kotsaba in 2015 was arrested and accused in treason after releasing video blog with the call to boycott the mobilization, held in custody 17 months, proclaimed prisoner of conscience by Amnesty International, sentenced for 3½ years in prison, acquitted and released by judgment of appeal court, then quashed by the court of cassation.

Human rights and freedoms are sacrificed for the sake of the militarization of the economy, society, and culture. Ultrationalists, supported by the authorities and financed from the state budget<sup>8</sup>, harms entrepreneurs, public and cultural figures<sup>9</sup>. Peace loving is officially equated to high treason, the refusal of military service on the grounds of conscience is only available to the clergy of a few privileged religious organizations and, according to the general rule, is punished, opponents of the militarization of culture denied even in the right to petition<sup>10</sup>.

Ministry of culture tries to pervert Ukrainian classical writers into icons of war, for example, launch the campaign "Shevchenko mobilizes"<sup>1112</sup>, despite Taras Shevchenko blamed international hostility and forced military service as imperial oppression of rural communities and as a tragedy of his own life; also, the minister of culture proclaimed as "cultural heritage" the graffiti with caricature of Ivan Franko and misquoted signature "All our life is the war", despite Ivan Franko criticized World War I and wrote: "Azure sky is clean and nice, when bloody war inhuman come to peace".

### Oppression of personal autonomy

Ruling class in Ukraine persists on political reforms, aimed to cut economic, social and cultural rights and, furthermore, to deprive people of freedom of choice over own individuality, interests, and way of life. The decline of rule of law, low level of legal culture<sup>13</sup>, legal nihilism, dogmatism, and incompetence hinders the recognition of equal and inalienable human rights. Ideas of economic and social justice in Ukraine are commonly denied as communist illusions needed to be eliminated during "painful reforms of decommunization". Mass controversial changing the names of cities and streets due to "decommunization" without fair and tolerant democratic consideration are used for military, national and religious elitist propaganda, often abusive for minorities.

<sup>1</sup> <http://www.un.org.ua/en/information-centre/news/4379-ukraine-peace-and-justice-remain-elusive-un-report>

<sup>2</sup> <https://www.ukrinform.net/rubric-society/2500940-more-poor-people-in-ukraine-now-than-five-years-ago-world-bank.html>

<sup>3</sup> <http://journals.sagepub.com/doi/abs/10.1177/0888325418764609>

<sup>4</sup> <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=21463>

<sup>5</sup> <https://freedomhouse.org/report/freedom-net/2017/ukraine>

<sup>6</sup> <http://soskin.info/en/ea/2016/158-3-4-2/Economic-Annals-contents-V158-21>

<sup>7</sup> <http://sheliashenko.in.ua/803>

<sup>8</sup> <https://www.kyivpost.com/article/opinion/op-ed/halya-coynash-ukrainian-neo-nazi-c14-gets-public-funding-for-patriotic-education.html>

<sup>9</sup> <https://sivtelegram.media/the-nobel-laureate-did-not-speak-in-odessa-from-for-threats/36882/>

<sup>10</sup> <http://reyestr.court.gov.ua/Review/74027179>

<sup>11</sup> <https://www.president.gov.ua/en/news/prezident-vruchiv-shechenkivski-premiyi-kultura-stane-zbroy-34896>

<sup>12</sup> [http://mincult.kmu.gov.ua/mincult\\_old/en/publish/article/398357;jsessionid=A0E44D938B55148680494DE4F22DCFB1.app1](http://mincult.kmu.gov.ua/mincult_old/en/publish/article/398357;jsessionid=A0E44D938B55148680494DE4F22DCFB1.app1)

<sup>13</sup> <https://content.sciendo.com/view/journals/bjes/8/1/article-p63.xml>

So-called elites actively fight to establish paternalist policies, for example, a coercive monopoly of the Ukrainian language in public spaces and monopoly of Orthodoxy in cultural life. It is very hard to create a non-Orthodox legal religious organization in Ukraine and it is practically impossible if religious group smaller than 10 participants.

According to 2017 human rights perception survey, supported by UNDP Ukraine<sup>14</sup>, Ukrainians see in social insecurity main threat for human rights; economic and social rights are a priority for the vast majority of Ukrainians. Even right to life people basically understand as the right to an adequate standard of living. Cultural rights in survey questionnaires were alienated from economic and social rights, so cultural autonomy was predictably underestimated. Only one among ten respondents acknowledged the importance of cultural rights and, notably, one among ten respondents also agreed that person independently defines own rights.

Results of the mentioned survey was published in a glossy booklet with a bunch of haughty so-called expert comments, claiming that people "wrongly" understand human rights as standards of the high quality of living and also with manifestly oppressive "expert" claims that those who intend to define own rights by the free will are probably criminals and troublemakers. So, the survey revealed not only a lack of knowledge of the general public about social and cultural rights, but more importantly, the disturbing denial of the personal autonomy principle among expert community, denial of the human self-determination in the scope of vital individual rights, denial of the human right to personal development, that is clear threat to whole civilized society based on fundamental institution of personality.

### Recommended questions for the list of issues

→ Please provide information about the conditions created in Ukraine for the achieving of the ideal of free human beings, not oppressed by fear and misery, able to enjoy personal autonomy in the exercise of economic, social and cultural rights to control own life and choose freely own way of personal development.

→ Please inform about provided guarantees of economic, social and cultural rights aimed to achieve peace in Ukraine and in the world, including measures to extend the right of conscientious objection against mandatory military service to persons who hold non-religious beliefs grounded in conscience, as well as beliefs grounded in all religions, and Ukraine's plans towards an all-volunteer army as noted in § 19 of Human Rights Committee concluding observations CCPR/C/UKR/CO/7 of 22 August 2013.

→ Please provide information about the national policy of militarizing the economy, society, and culture in Ukraine and its impact on human rights.

→ In view of Committee's note in § 26 of concluding observations E/C.12/UKR/CO/6 of 13 June 2014 concerning the attempted repeal of the law on the principles of State language policy, which was adopted on 3 July 2012, and adopting new policy without full consultations with all the minorities, please inform about the consequences of repeal of the said law by the Constitutional Court of Ukraine and the measures taken to prevent conflicts on a linguistic basis (such as compulsion to communicate in Ukrainian and the violence in case of denial) and the legislative perspectives of guaranteeing every person the right to use freely any language of own choice in private and public communication.

→ Please describe concrete measures taken to prevent violence against the defenders of economic, social and cultural rights in Ukraine.

## Universal respect for human rights and freedoms (Preamble of the Covenant)

### Lack of legal safeguards to protect rights guaranteed by the Covenant

Direct application of the International Covenant on Economic, Social and Cultural Rights in the Ukrainian courts of law is impaired by the Article 92 of Constitution of Ukraine, proclaimed that only Ukrainian legislation defines rights of human and citizen<sup>15</sup>.

According to Unified State Register of Court Decisions<sup>16</sup>, in 1 August 2018 among 73631203 registered decisions of Ukrainian courts the International Covenant on Economic, Social and Cultural Rights is applied only in 7769 decisions (0,01% of all decisions).

<sup>14</sup> <http://www.ua.undp.org/content/dam/ukraine/docs/DG/Ombudsman's%20project/HumanRightsUa.pdf>

<sup>15</sup> [https://www.kmu.gov.ua/storage/app/imported\\_content/document/110977042/Constitution\\_eng.doc](https://www.kmu.gov.ua/storage/app/imported_content/document/110977042/Constitution_eng.doc)

Since Ukraine has still not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, victims of violations of these rights in the area of Ukrainian jurisdiction are denied the opportunity to report such violations and seek protection from the UN Committee on Economic, Social and Cultural Rights.

### **Lack of legal information and public dialogue on human rights issues**

There is practically no systematic dialogue on human rights at the state level. Ukraine's periodic reports on the implementation of international legal obligations in the field of human rights are being prepared behind the scenes without broad public consultations and without coverage in the mass media. Such reports, as well as comments and recommendations of UN bodies on the results of consideration of Ukraine's reports, usually aren't published by the state bodies nor provided to the media and MPs.

### **Recommended questions for the list of issues**

- Please explain why Ukraine doesn't ratify yet the Optional Protocol to the Covenant, signed in 2008.
- Please provide information on the measures that are being taken or planned to fully guarantee the rights, prescribed by the Covenant, in Ukrainian legislation and judicial practice, including specific legislative changes, free legal assistance and affordable access to justice for the defense of human rights, as well as free access to legal information and public dialogue on human rights.
- Please list the obstacles and difficulties of the State in effective adoption and implementation of the legislation on protection of economic, social and cultural rights.
- Please inform how public information and public dialogue on the matters of economic, social and cultural rights are organized, in particular, whether periodic reports on the implementation of the Covenant and relevant U.N. human rights bodies documentation published in Ukrainian translation and accessible to broad public.
- Please inform about free legal aid services provided by the state agencies in the reporting period to those who need judicial protection of their economic, social or cultural rights, specifying the categories of cases in terms of violated rights, the number and percentage of claims won.

## **II. Issues relating to the general provisions of the Covenant**

### **Right of self-determination (art. 1 (1))**

Recommended question for the list of issues:

- Please inform about the measures taken to guarantee the right to self-determination and the development of the Crimean Tatar indigenous people and other national minorities, in particular, make them enjoy the rights of national-cultural autonomy. Please clarify whether it is planned to create within the framework of a unitary state in Ukraine Crimean Tatar national-territorial autonomy.

### **Right to freely dispose of natural wealth and resources (art. 1 (2))**

Recommended question for the list of issues:

- Please describe measures taken by the state to ensure people's access to natural resources, in particular land, forests, minerals, including spring water, sand and amber, access to hunting, fishing, picking berries, and protecting nature from pollution and degradation by the developing of garbage incineration industry.

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<sup>16</sup> <http://reyestr.court.gov.ua>

## Maximum available resources (art. 2 (1))

### Unfair distribution of public goods

Ukrainian economics stagnates in absence of national discussion on free-market values and tax justice or democratic revision of state economic policies. Military and law enforcement overspending wastes public money on inefficient services. The monopoly of the Bar, introduced in 2013, restricts access to the legal profession and restricts everyone's access to justice for the sake of high profits of professional exceptionalist clique.

Main tax burden imposed on poor families. People are cynically robbed by the inflation, caused by state manipulations with finances, by predatory taxes and regulatory policies, by abusive monopolistic prices, tariffs, work conditions and payments, by seizures of property and destruction of businesses widely practiced with the involvement of state agencies and racketeers.

Income tax, social security tax, and value-added tax take over half of every salary. Official propaganda about tax policies hides the fact that taxes formally imposed on businesses in fact for people to pay. Restrictive regulations and racketeering demolish small and medium businesses. In Kyiv, you can see everywhere warnings about the prohibition of street trade.

### Recommended questions for the list of issues

→ Please provide yearly comparative statistics for the reporting period on the share of the gross domestic product (GDP) and the state budget, allocated to guarantee economic, social and cultural rights.

→ Please inform about the revealed impact of corruption on the realization of economic, social and cultural rights, assessment of incurred losses and prospects of their compensation, as well as measures taken to combat corruption.

→ Please describe measures taken to increase the efficiency of public spending on the judiciary and law enforcement system with proper explanations to the fact why, despite the increased over the past 10 years 7 times in hryvnias (1,5 times in dollars) spending on the named system, both the level of crime and the death rate among prisoners are doubled, and Ukraine became regional leader of judicial delays and public distrust for the courts.

→ Please inform about the causes and consequences and the prospects of curtailing the moratorium on land sales, which violates property rights in the assessment of the European Court of Human Rights.

## Non-discrimination (art. 2 (2))

Politics of humiliation of cultural, national and religious minorities become common in Ukraine, such as the oppression of freedom of associations and hate speech in media, spreading of negative stereotypes. This includes discrimination of individuals and small groups of believers in the right to establish religious organizations, a restrictive and unreasonably long procedure of religious organizations registration including the biased bureaucratic expertise of religious life.

### Discrimination of small religious groups

For the proper exercising of religious diversity any number of people, starting with one person, must be allowed by the law to establish in short time a religious organization or other cultural institution with minimal paperwork and without bureaucratic restrictive control. This simple foundation of religious equality is systemically declined in Ukraine.

The minimal number of founders for state registration of religious community in Ukraine is 10, compare to 2 for civic associations and 1 for newspapers and charity funds. By the changes to the tax code all nonprofit sector, including religious organizations, is obliged to specify in statutes that its members can't reach any profits but wage from organizational activity, it is a clear violation of autonomy of religious communities. Ministry of Culture even fail to give access to public information on its policies in the sphere of regulation of religious life, as well as illegally refuse to register statute of the Religious organization "Religious Center of Believers in the Supreme Value of Human – The Soul Society"<sup>17</sup>.

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<sup>17</sup> <http://reyestr.court.gov.ua/Review/63368270>

## Recommended questions for the list of issues

- Please inform about changes in legislation, court practice, a practice of providing free legal aid and state policy on prevention and counteraction to all forms of discrimination, indicating widespread forms of discrimination, measures taken to combat discrimination and compensate the harm caused by discrimination.
- Please inform about the state policies, information campaigns and educational measures taken to develop the principles of pluralism and tolerance in society.
- Please inform about the distribution of the tax burden among the richest and poorest parts of the population, as well as whether it is planned to grant tax exemptions to the poorest parts of the population, small businesses and self-employed persons to eliminate excessive tax and bureaucratic burden.
- Given the massive construction of supermarkets, which is accompanied by systemic explosions, fires, demolitions in the marketplaces and the forced destruction of a large number of shopping kiosks on the streets of cities, please inform about the measures taken by the state to ensure equal, free and fair access of small businesses to public spaces and marketplaces.
- In connection with the scandalous case of financing by the Ministry of Youth and Sports of Ukraine the projects of the ultranationalist organization C14, please inform what measures are being taken to stop and prevent future funding of radical nationalist organizations from the state budget of Ukraine, in particular those involved in incitement to hatred and attacks on lawyers, representatives of other cultures, national and sexual minorities.
- Please indicate what measures are taken to protect against discrimination in access to the realization of economic, social and cultural rights, in particular, the right to participate in cultural life, the freedom of scientific and creative activity of persons who, in the relevant spheres, use languages other than Ukrainian.
- Please inform about the measures taken to protect the LGBTQA community from discrimination and to prevent the incitement of hatred and crimes against members of this community.
- Please indicate what changes are planned to be introduced into the law on freedom of conscience and religious organizations to prevent discrimination of individual religious actors and small religious groups in comparison with large territorial groups of believers in the right to found religious organizations, and to prevent state interference in the internal affairs of religious organizations through biased examination of religious life and excessively complicated and lengthy registration procedures.
- Please inform whether it is planned to amend the law on non-military alternative service to provide access to alternative service on a non-discriminatory basis for all conscientious objectors, in particular regardless of religious or non-religious (pacifist, etc.) anti-war beliefs, ensuring the equal length of military and alternative non-military service and appropriate conditions of serving.
- Please inform me about the measures taken by the state to prevent discrimination in social, economic and cultural rights, especially in the right to education, employment, housing for external and internal migrants, in particular internally displaced persons.
- Please inform the extent to which the economic rights are guaranteed to persons who are not Ukrainian citizens, with due regard to human rights and the possibilities of the national economy of Ukraine.

## Equal rights of men and women (art. 3)

Women in Ukraine are victims of poverty and patriarchy<sup>1819</sup>. The overall men/women ratio among organization managers and entrepreneurs is 60% versus 40%. Individual entrepreneurship in Ukraine is close to gender balance (46% of IEs are women) whereas women only make up 30% among legal entity managers<sup>20</sup>.

Militarist discrimination of men neglects their natural right to choose, bear arms or not. Only males are subjects to conscription. Women can choose or not military service, but men can't choose. Deprived right to choose between life of warrior or peace-lover due to gender stereotypes, men also use gender stereotypes to deprive women right to choose between home

<sup>18</sup> <https://www.tandfonline.com/doi/abs/10.1080/0966369X.2018.1433638>

<sup>19</sup> <https://www.ncbi.nlm.nih.gov/pubmed/29417879>

<sup>20</sup> [http://www.ua.undp.org/content/dam/ukraine/docs/DG/Women\\_Men\\_Leadership\\_Ukraine\\_EN.pdf](http://www.ua.undp.org/content/dam/ukraine/docs/DG/Women_Men_Leadership_Ukraine_EN.pdf)

and social life. Ukraine need to abolish mandatory military service to stop war machine and protect universal peace as fundamental prerequisite of any social, economic and cultural rights.

#### Recommended questions for the list of issues

- Please provide information about the measures taken to increase the representation of women in parliament, government, on leading positions in the public service (including the army and local self-government), as well as in the private sector's top management, with concrete information about the results of such activities.
- Please provide information on specific measures taken to overcome inequalities in the salaries of men and women.
- Please describe measures planned to overcome the inequality of men and women in the freedom to choose or refuse military service.

### III. Issues relating to the specific provisions of the Covenant

#### Right to work (art. 6)

Mandatory military service violates worker right to choose job freely. All male workers are subjects to military registration and can be mobilized to army any moment without their consent.

#### Unemployment after serving a sentence

Every year 60-80 thousand people are released from Ukrainian jails. For the safe return of former prisoners into families and communities, employment and other measures of re-socialization are required. According to a survey, 85.2% of the released inmates didn't want a job of specialty acquired behind bars. Research has shown that 32% of prisoners can't compensate damages to the victim of a committed crime because of absent job, and 27% of released prisoners commit the crime repeatedly in desperation to find a job. Released inmates leave a prison without a worthy profession, with no hopes to find a job in the situation of common unemployment. As a result, 84% of people served the sentence return again to prison.

#### Arbitrary deprivation of access to the profession of lawyer

A so-called monopoly of the Bar in Ukraine created new threats to the independence of the legal profession and serious obstacles to all people in access to justice. The report of the International Commission of Jurists<sup>21</sup> in 2014 highlighted the existence of a conflict among lawyers and the facts of unlawful deprivation of access to the profession of lawyer. Supreme Court repealed the disbarment of advocate Andriy Vyshnevsky<sup>22</sup> for criticizing the leadership of Ukrainian National Bar Association, but later, with no shame, infamous leaders of the monopoly of the Bar launch a disciplinary prosecution of lawyer Andriy Mamaliga and many other Kyiv advocates. Monopolist clique systematically practices disciplinary suspensions for criticism via unlawful hiding from the Register of Advocates of Ukraine, and hence restrictions on professional rights of lawyers, with no respect to a number of judgments prescribing to stop such iniquity.

Oligarchic bureaucracy long time lobbied elitism in the legal profession, interested to limit independent human rights defense in the courts and turn each litigation into a trade at standard rates and corruption charges. Monopoly of the Bar imposed by the law "On the Bar and Practice of Law" from 2013 and next amendments to Constitution of Ukraine, adopted in 2016, ruled that only lawyer from one particular national association of lawyers (Ukrainian National Bar Association) can represent person in civil case (with hypocritical promise of possible exceptions for so-called "insignificant cases") or defend person in criminal case before court. That legislation violates everyone's right to association with independently chosen representatives, infringes fair

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<sup>21</sup> <https://www.icj.org/ukraine-icj-report-casts-light-on-alarming-disbarments-and-suspensions-of-lawyers/>

<sup>22</sup> <https://www.icj.org/ukraine-lawyer-andriy-visnevsky-wrongfully-disbarred-for-exercising-freedom-of-expression/>

self-representation of a group without alienation of lawyers, using lack of legal literacy, trying to turn human rights into luxury, expensive privileges of the elite.

In the legal media there are many publications about usurpation of power, undemocratic governance and corruption in the Ukrainian National Bar Association, authoritarian disciplinary practices such as "ethical" prosecution, inquisitorial eradicating pluralism of legal opinions, excluding from profession for criticism and expression of unusual thoughts in social networks, permanent conflict between professional authorities and lawyers of Kyiv. There are serious problems with access to legal profession such as the high cost of qualification exam and overregulated criteria of participation: not only legal education, but years of formally legal employment, excluding running own business or legal volunteering and human rights activism, also demanded long paid internship or work as an assistant of the member of the Bar, and also mandatory participation in regular paid trainings with the imposition of loyalty to the rulers of Ukrainian National Bar Association, their elitist legal doctrines and ideologies. It is notable that the rise of an elitist monopoly of the Bar coincided with massive violations of the rights of lawyers, moral and violent pressure, unjust prosecutions, arrests and even murder. It is a common opinion that authorities drove lawyers into the corral and does what they want with lawyers.

Obviously, now the only possible measure to revive dignity of the legal profession in Ukraine is to release lawyers from monopolistic slavery to broke chains of coercive membership in Ukrainian National Bar Association, allow lawyers to develop pluralism of legal opinions and create alternative independent bar associations to decentralize the Bar.

### Recommended questions for the list of issues

→ What measures (for example, unconditional basic income, automation of boring monotonous or humiliating work, innovations in the organization of work, legalization of the informal economy, etc.) are planned in Ukraine to increase the share of creative work and self-employment in the economy, increase of autonomy, social and economic safety and comfort of human.

→ Please provide information on the measures taken for the labor re-socialization of prisoners, the creation of a vocational education and job opportunities for those who served a sentence.

→ Please describe concrete measures taken to remove unreasonable barriers in access to legal profession and to terminate unlawful and unethical practices of arbitrary deprivation of access to the legal profession, disbarments and suspensions of lawyers for the dissent, which took place under undemocratic monopoly of the Bar and abuse of the leadership at the Ukrainian National Bar Association in conflict with the Bar Council of Kyiv. Also please inform, whether the scandalous monopoly of the Bar, introduced in 2013, which creates unjustified economic barriers both in access to justice and in access to the profession of lawyer, is being planned to be liquidated or reformed (for example, decentralized).

→ Please provide information if it is planned to abolish militarist policies of demanding from employers to collect military records of employees and coercive mobilizations of male employees from the workplaces to mandatory military service without their consent.

→ Please describe what concrete measures are being taken to protect the right to work of pacifist men who did not serve in the army in circumstances that, due to shameful penalization of conscientious objection, families of objectors seek possibilities of commissioning young men as unsuitable for military service for the poor health, with further barriers in access to certain professions and public service because of the requirements to provide a certificate of mental health, which can't be obtained without presenting a military ID due to current inadequate protocol of medical bureaucracy.

→ Please inform what measures are being taken to prevent or minimize forced and humiliating work, in particular during compulsory education, military and alternative service, in prisons.

## Right to just and favorable conditions of work (art. 7)

Recommended questions for the list of issues:

→ Please indicate which legal instruments and elements of the national culture of work allow a person to control the conditions of own work and leisure, to maintain the minimum necessary level of private social life in the workplace, to seek to increase wages and career growth.

→ Please inform the size and calculation of the minimum wage, in particular, which minimum amount of expenses for specific economic, social and cultural benefits for workers and their families is provided by the minimum wage.

- Please provide information on the average salary by sectors of the economy and the distribution of the number of employees who receive the highest and lowest wages, in particular, of management personnel, security structures, innovation units, other skilled and unskilled workers.
- Please inform about the practice of facilitating labor discipline in Ukraine (in particular, in the public sector), for example, reduction of the working day, distance work, free working conditions.
- Please inform about the measures taken to ensure decent conditions and decent pay for work of prisoners.
- Please inform about the cases of non-payment of wages found during the reporting period and the measures taken to deal with the problem.
- Please indicate how the principle of equal pay for equal work is protected in national legislation and in practice.

## Trade union rights (art. 8)

### Union self-representation under the threat of the monopoly of the Bar

Trade unions and other civic associations under the oppressive monopoly of the Bar can't represent their members before the court directly, without hiring a licensed lawyer. State service of free legal aid is unable to provide needed legal aid in the most such cases pro bono publico. The monopoly of the Bar is a threat to group self-representation, particularly when social, economic and cultural rights are at stake.

Strong legal guarantees are needed for legal self-representation and self-defense in due process, such as personal and group self-representation (self-defense), association with free chosen representatives and advisers, including lawyers not involved in the Bar monopoly, for example, autonomous advocates or paralegals. Members of the Bar monopoly can participate separately if it is demanded by the law, or court, or person need their expensive service.

### Recommended questions for the list of issues

- Please inform what measures are being taken to strengthen the autonomy of trade unions, in particular, the recognition of the right of trade unions to issue normative legal acts equal in legal force with employers' legal acts?
- Please indicate what measures are being taken to ensure that trade unions and other associations of people can represent and protect their members in every civil, criminal, administrative or disciplinary legal proceedings related to all labor relations without hiring a licensed lawyer, the member of the Bar monopoly, for purpose of self-representation.
- Please inform whether it is planned to provide free-of-charge legal aid to professional unions.
- Please inform whether it is planned to reduce for the trade unions the discriminatory (1.5-2.5 times higher) court fees established for all juridical persons over the court fees for the natural persons.
- Please inform about the measures taken to ensure the independence of trade unions from the pressure of employers.
- Please indicate what measures are being taken to ensure that all staff reductions, dismissals, changes in the organization of work, peculiarities of the regime of labor discipline, in particular, measures of open and secret surveillance on employees are coordinated with trade unions. Please also specify in which cases trade unions have the right to suspend or cancel decisions of the employer, disadvantageous to employees.

## Right to social security (art. 9)

Recommended questions for the list of issues:

- Due to increasing inflation, please inform what measures are being taken to protect savings of employees' compulsory seized to the state pension fund to provide them retirement income.
- Please inform about the distribution of pensions paid by the state to all categories of pensioners, the amount of pensions in terms of the number of people who receive them and the age of pensioners, and the size of the gap between the largest and the smallest pensions.
- Please inform about existing private social insurance institutions and measures taken by the state to expand and encourage private initiative in the field of social security.
- Please report on the progress in establishing a national market for affordable and efficient health insurance.
- Please inform about emergency policy of subsidies for housing and communal services, in particular, about abuses of subsidy recipients, and measures taken to minimize the needs of the population in the relevant subsidies.

## Protection of the family and children (art. 10)

Recommended questions for the list of issues:

- Please indicate what measures are taken to ensure that the protection of the family as a form of independent, voluntary, informed, unified life of individuals, regardless of their number, gender and age, corresponds to the ideal of a free human person, in particular: that the family is not subjected to excessive external interference, control and regulation; that human life is not tied to family life against the free will of human; that full legal capacity is recognized on the basis of self-determination and confirmation of the basic social competences, and not only achievement of a certain age; that children have the opportunity to make independent decisions about their own lives, learning and leisure; that a single person freely enjoyed the rights of the family and could create a family, join and leave the family.
- Please indicate the reasons for the lack of progress and the measures taken to stop the departmental sabotage regarding the fulfillment of the State's obligations regarding the legalization of same-sex couple family founding (civil partnership).
- Please indicate what measures are being taken to prevent government support for extremist movements for the so-called traditional family aimed to spread hatred and violence, discriminate and destroy families organized in an unusual way.
- Please inform what measures are being taken to preserve the constructive links between families and their members in closed regime institutions, such as army, fleet, prison, psychiatric hospital.

## Right to an adequate standard of living (art. 11)

Ukrainian official standards of welfare are outdated and don't count basic human needs in contemporary society. Cabinet of Ministers of Ukraine ignores needs of the people when determining a basic standard of social security, so-called consumer basket<sup>23</sup>. Majority of working people in Ukraine are live in poverty. The state in cooperation with private charities must provide all people social security, including sufficient amount of universal basic income.

### Poverty among working people

According to experts, one third of Ukrainians can be called poor according to international standards. Income barely provides food for 51% of the population, 76% of Ukrainians consider themselves poor, with 6% of the population below the official poverty level. Unlike the developed countries, in Ukraine poverty among the working people is widespread, not only among unskilled or part-time workers, but among doctors, teachers, scholars and other working people with a high level of education.

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<sup>23</sup> <https://usba.com.ua/en/consumer-basket-beyond-law>

### Recommended questions for the list of issues

→ Please provide information about people who suffer from poverty, in particular, poverty among working people, and explain what real ways they may choose to achieve a secure wealthy life, what state guarantees allow a person to control the conditions of own work and rest, to increase wages and salaries growth?

→ Please inform about the size and composition of the subsistence minimum laid down by the law for all categories of persons, including the calculation of the specific economic, social and cultural benefits provided by this subsistence minimum.

## Right to physical and mental health (art. 12)

One of five Ukrainians lack of funds to pay for required health services in a health care facility, tests, examinations and procedures prescribed by a doctor; one of ten lack of a health care facility, pharmacies in the neighbourhood<sup>24</sup>. Joblessness and poverty are upstream determinants of health inequalities in Ukraine<sup>25</sup>. 20% of children born every year do not receive a full plan for vaccination during their first year of life<sup>26</sup>. Ukrainians receive the inappropriate, insufficient and untimely medical care, including frequent diagnostic and therapeutic errors<sup>27</sup>.

### Decline of patient autonomy in the mental health system

Many people with mental disorders don't receive proper treatment and frequently suffer from attempts to restrict totally their personal autonomy. State mental health institutions can attribute diagnose like asthenia or schizophrenia to any person and frequently misused for fraud, such as depriving civic rights and property, taking undeserved subsidies, escaping justice and military service. Civil incapacitation at the courts of law usually proceeded ex-parte. It is needed to make state mental health institutions accountable, to provide mental health information and education, to promote tolerance, to start the national dialogue on mental health agenda.

### Recommended questions for the list of issues

→ Please provide information on the scope of medical services provided free of charge by the state and on the scope of real needs for medical services, including those that can not be paid by either the state or patients themselves.

→ Please provide information about the national culture of healthy living, the availability of sports and physical and mental self-improvement programs (overcoming emotional burnout, obesity, etc.).

→ Please provide information on indicators and factors of the physical and mental well-being of Ukrainians during the reporting period, including life expectancy, birthrate, fertility, chronic diseases, epidemics, mortality with reasons, including suicides.

→ Please provide information on measures taken to comply with hygienic standards and to ensure the maximum possible level of physical and mental health and comfort of persons at work, training, military service, imprisonment. Please specify the death and injury rate among prisoners.

→ Please provide information on healthcare reform and its impact on the realization of the right to health for all the population. Please indicate the specific measures taken to improve the quality and accessibility of health services, especially in rural areas and for the vulnerable and marginalized population. Please report on the measures and their impact on addressing the problem of an inadequate infrastructure of the primary care system, the high cost of health services, the unavailability of certain drugs and the low level of vaccination.

→ Please indicate the steps taken to ensure the maximum level of personal autonomy available to persons with mental disorders, to avoid deprivation of their liberty, property and civil rights without urgent need.

→ Please inform about measures taken to stop the spread of infectious diseases by homeless dogs and their attacks against people, especially children and the elderly. Also, please inform whether less costly and cruel programs for regulating the population of stray dogs are considered than total "sterilization" (capture, castration and throwing out to the street).

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<sup>24</sup> <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-9e7231a2-d12d-436e-9815-9cdd0f950c79>

<sup>25</sup> <https://www.ncbi.nlm.nih.gov/pubmed/28339514>

<sup>26</sup> <https://www.ncbi.nlm.nih.gov/pubmed/29783254>

<sup>27</sup> <https://www.ncbi.nlm.nih.gov/pubmed/29667638>

## Right to education (arts. 13-14)

### Lack of access to higher education for prisoners

Sociological research shows that 9% of prisoners want to study at higher education institutions. At the same time, according to the official data of the State Criminal Execution Service, only 28 inmates among 60 000, i.e. less than 0.1%, receive higher education in the penal institutions.

### Recommended questions for the list of issues

- Please indicate what steps are being taken to ensure that personal education is carried out with respect to free will and dignity of human, under the own control of the person, without unnecessary disciplinary burden, in the maximum free and comfortable mode, with the possibilities of distance learning and lifelong learning.
- Please inform which measures are planned to facilitate the access of prisoners to distance and higher education, as well as access to the Internet educational services in penitentiary institutions.
- Please indicate legal safeguards to ensure that compulsory primary education includes only basic social competences, does not impose an ideological indoctrination and impractical cram for a profit of greedy tutors, and could be concluded any time by the free will of competent student through completing the test with a reasonable scope of questions.
- Please inform about the progress and results of the educational reform and the measures taken to overcome the lack of preparedness of graduates and the unreasonable complexity of the test tasks for the external independent evaluation (EIT) and on measures to prevent the violation of human rights, humiliation of human dignity during the EIT, focusing on cram to the benefit of wealthy families who can afford expensive EIT coaching.
- Please provide information on the implementation of the reform of legal education, in particular, the measures taken to preserve the distant learning of lawyers and to bring the questionnaires of a unified testing of applicants to the master's legal study in line with the general principles of law and real needs of legal practice.
- Please inform about the introduction of new standards of academic integrity and guarantees of honest disciplinary policies, due process, inviolability of human rights during implementation of such standards, legal safeguards of proportional responsibility for violation of these standards, and prevention of manifestations of punitive populism.
- Please inform about the measures taken to ensure the human right to education in mother tongue for persons whose mother tongue is not Ukrainian language.
- Please inform about the representation in national educational programs courses on human rights education, economic, civil, labor and legal culture, tolerance and democratic citizenship.
- Please inform about measures taken to prevent bullying, prevent and stop any psychological, physical and sexual harassment and violence at educational institutions.

## Cultural rights, access to the benefits of science, academic and creative freedom (art. 15)

### Deprivation of language autonomy

Monopolistic Ukrainian language quota in informational relations, especially in education<sup>28</sup> and media<sup>29,30</sup> (for example, television, repressively<sup>31</sup> reviewed by license agency), imposed by legislation, deprive people personal autonomy in choice of speaking language<sup>32</sup>.

Ukrainian celebrities in public aggressive actions, using threats and violence, demand people to speak only in Ukrainian language. Some philologists and populist politicians advocated total compulsory use of Ukrainian language, and supporters of such politics ignore risks of mass violation of human rights and deepening the social alienation. Legal guarantees of personal autonomy in right to choose freely language of public and private self-expression in speech, print or any other form is extremely needed.

### Problems of financing and monopolistic assessment of the scientific research

Government attacks academic freedom<sup>33,34,35,36,37</sup>, deprives universities of autonomy, and imposes unreasonable standards and regulations, for example, monopoly of international bibliometric databases Scopus and Web of Science. Under the decree of the Ministry of Education and Science, it is mandatory to have publications indexed in commercial bases Scopus or Web of Science to become assistant professor or professor. Similar regulations are proposed even for PhD candidates.

Ukrainian science is underfunded<sup>38</sup>, the spending of Ukraine's GDP for science doesn't exceed 0.6%, of which less than 0.2% is from the state budget. The new requirements of the Ministry of Education and Science of Ukraine regarding the publication of scientific research results in prestigious journals indexed by the Scopus and Web of Science bibliometric databases were not supported by proper funding of research and the reform of existing Ukrainian scientific journals to meet the expensive standards of these databases. Imposing monopoly of Scopus and Web of Science bibliometric indicators for assessment of scientific research, government even don't consider that the majority of scientific libraries, universities and research institutions can't access those bibliometric databases and subscription cost so high that unaffordable even for private universities.

### Problems with the registration of religious organizations

European Court of Human Rights in the case of Sviato-Mykhailivska Parafiya v. Ukraine<sup>39</sup> No. 77703/01 in §§ 86-91 of the judgment of 14 June 2007 emphasized on the problematic legislation and procedure concerning the registration of religious organizations in Ukraine. The mentioned problems are not solved at the present time: examination of documents submitted to the registration may continue more than six months; procedure includes biased examination of religious activities and unlawful restriction of the autonomy of religious groups. The courts repeatedly found the facts of unlawful refusal of state bodies to register statutes of religious organizations. Unlike mass media and charitable foundations, one person can not, according to the law, establish a religious organization (for public organizations, the minimum number of founders is 2, for religious organizations the repressive number of founders is 10 persons minimum)<sup>40</sup>.

### Recommended questions for the list of issues

→ Please explain the existing and planned scientific policies regarding the mandatory requirements for the researchers to make publications indexed by Scopus and Web of Science databases, even in areas of knowledge in which only a small part of

<sup>28</sup> <https://www.reuters.com/article/us-ukraine-language/criticism-of-ukraines-language-law-justified-rights-body-idUSKBN1E227K>

<sup>29</sup> <http://www.nrcu.gov.ua/en/news.html?newsID=53787>

<sup>30</sup> <https://www.article19.org/resources/ukraine-blocking-of-russian-social-media-sites-is-a-severe-form-of-censorship/>

<sup>31</sup> <https://www.theguardian.com/books/2017/feb/14/ukraine-publishers-speak-out-against-ban-on-russian-books>

<sup>32</sup> <https://www.academia.edu/33094444/>

<sup>33</sup> <http://www.golos.com.ua/article/305090>

<sup>34</sup> <http://www.golos.com.ua/article/305239>

<sup>35</sup> <http://www.golos.com.ua/article/305143>

<sup>36</sup> <http://www.historians.in.ua/index.php/en/institutsiji-istorichnoji-nauki-v-ukrajini/2467-vidkritij-list-do-ministerstva-osviti-i-nauki-ukrajini-shchodo-zmin-do-nakazu-pro-otsinyvannya-rezultativ-doslidzen>

<sup>37</sup> <https://www.academia.edu/33905305/>

<sup>38</sup> <http://www.nas.gov.ua/UA/Messages/News/Pages/View.aspx?MessageID=4116>

<sup>39</sup> <http://hudoc.echr.coe.int/eng?i=001-81067>

<sup>40</sup> <https://www.academia.edu/28259965/>

Ukrainian scientists are published in relevant journals, and what measures are being taken in this regard to protect academic freedom and provide the access to the said databases in all public scientific libraries, universities and other research institutions, including private and located outside of Kyiv.

→ Please indicate what measures are to be taken to introduce a procedure for the unimpeded, lawful and transparent registration of the statutes of religious organizations within a reasonable time without undue interference of the state in the internal issues of religious life, including the registration of religious organizations, the founder of which is an individual religious figure or a small religious group of two or more people.

→ Please inform about existing and planned restrictions on public and private dissemination of information, including works of science and culture, media production in languages other than Ukrainian or the requirements for the compulsory duplication of such information in Ukrainian, and the benefits and privileges prescribed by the law and the state support granted to information production, scientific and cultural activities in the Ukrainian language.

→ Please provide statistics and explain reasons for the refusal to enter Ukraine for cultural and public figures, journalists, scholars, entrepreneurs, as well as the refusal to permit import of books from the Russian Federation.

→ Please provide full information on the State-imposed penalties and sanctions, refusals to grant licenses, prohibitions on access to mass media, social networks (Vkontakte etc.), intellectual property products, and clarify the procedure for reimbursement of damages caused by censorship violations of economic, social and cultural rights.

→ Given that the existing legislation on religious organizations obliges believers to organize religious life on the model of mass national-territorial religious communities, and consultations on the reform of this legislation are conducted exclusively with the "All-Ukrainian Council of Churches and Religious Organizations", which is a closed homophobic club of mass denominations that don't represent religious minorities, small religious groups and individual religious figures – please inform how the interests of religious minorities, small religious groups and individual religious leaders not represented in the All-Ukrainian Council of Churches and Religious Organizations will be taken into account during the reform of state regulation of religious life, whether deregulation is planned in this area, and what measures are planned to ensure personal autonomy and maximum autonomy of religious groups in establishing religious organizations and the exercise of religious practices without undue interference and control of the state.

→ Please inform the national system of financing and assessing the quality of scientific research, in particular, what measures are being taken to adequately fund research and decent work remuneration for academics, legal guarantees of academic freedom in choosing ways to publish the results of scientific research, and effective legal safeguards of academic integrity and inviolability of academic freedom.

→ Please indicate whether scientific research are funded by the State in the areas of human development, prevention of crime, drug addiction, alcoholism, smoking, HIV/AIDS and other infectious diseases, cruelty, alienation, distrust, wealth inequality and what the impact of the relevant research.

→ Please indicate what measures are being taken to stop the practice of coercion of high school teachers to simulate scientific activity, for example, by establishing requirements for a mandatory number of scientific publications without the allocation of appropriate funding and without reducing the teaching load for research.

→ Please provide information on measures taken by the State to encourage participation in the cultural life vulnerable and marginalized individuals and groups, including children from poor and migrant families, prisoners, servicemen, elderly people and people with disabilities.

→ Please provide information on the dynamics of the development of the network of public libraries and library funds for the reporting period, educational, cultural and scientific events organized in libraries, purchase of books, subscriptions to periodicals and electronic publications, including foreign sources. Also, please inform about the amount of funds allocated for preservation and replenishment of the library fund, to satisfy the interests of the readers and guarantee the independence of the libraries in the formation of library funds.

→ Please inform whether it is planned to reduce discriminatory (1.5-2.5 times higher than for individual) court fees for scientific, cultural, religious, creative, human rights defending, public and other non-profit organizations.

→ Please indicate what measures are being taken to ensure the smooth work of journalists in Ukraine, including in the parliament and other government agencies, to stop violent attacks on journalists and effectively investigate crimes already committed against journalists.