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**Committee on the Elimination of Racial Discrimination****Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of Ukraine\***

1. The Committee considered the combined twenty-fourth to twenty-sixth periodic reports of Ukraine,<sup>1</sup> submitted in one document, at its 3141st and 3142nd meetings,<sup>2</sup> held on 23 and 24 April 2025. At its 3157th meeting, held on 5 May 2025, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the combined twenty-fourth to twenty-sixth periodic reports of the State party. The Committee also welcomes the constructive dialogue with the delegation and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue. The Committee appreciates the participation of the delegation despite the bombardments of Kyiv on the day of the review.

**B. Factors and difficulties impeding the implementation of the Convention**

3. The Committee is deeply concerned that the ongoing war, the result of full-scale military attack by the Russian Federation against the State party in February 2022 and the occupation and illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol in 2014, as well as the Donetsk, Kherson, Luhansk and Zaporizhzhia regions in 2022 by the Russian Federation pose severe challenges for the State party in fully implementing its obligations under the Convention, particularly as the State party has no effective control over the territories under occupation by the Russian armed forces.<sup>3</sup> The Committee recalls that the implementation of the Convention serves as a crucial safeguard to guarantee the full respect and enjoyment of rights by individuals belonging to groups vulnerable to racial discrimination, including within the context of armed conflicts.

**C. Positive aspects**

4. The Committee welcomes the State party's ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, including its inquiry procedure, on 2 September 2016.

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\* Adopted by the Committee at its 115th session (22 April – 09 May 2025).

<sup>1</sup> [CERD/C/UKR/24-26](#).

<sup>2</sup> See [CERD/C/SR.3141](#) and [CERD/C/SR.3142](#).

<sup>3</sup> See General Assembly resolutions [68/262](#) and [71/205](#), [ES-11/1](#), [ES-11/2](#), [ES-11/3](#), [ES-11/4](#), [ES-11/5](#) and [ES-11/6](#), and Human Rights Council resolutions [49/1](#), [S-34/1](#), [52/32](#), [55/23](#), [58/24](#).

5. The Committee further welcomes the following legislative, institutional and policy measures taken by the State party:

(a) Law No. 4133-IX that amends the legislative framework and expands the list of individuals eligible for free secondary legal assistance to include victims of hate crimes, on 6 January 2025;

(b) Order No. 866 of the Cabinet of Ministers of Ukraine on approval of the State Targeted National and Cultural Program “Unity in diversity” until 2023, on 26 September 2023;

(c) Order No. 1197-r of the Cabinet of Ministers of Ukraine on Approval of the Action Plan for 2024-2025 for the Implementation of the Strategy for Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the period until 2030, on 22 December 2023;

(d) Law No. 2623-IX that amends the legislative framework to facilitate the employment of asylum-seekers and stateless persons, on 21 September 2022;

(e) Decree No. 119/2021, by which a new version of the National Human Rights Strategy was adopted, on 24 March 2021;

(f) Law of Ukraine No 1616-IX on Indigenous Peoples of Ukraine that promotes the rights of Indigenous Peoples, including their cultural and linguistic rights, on 1 July 2021;

(g) Order No. 866-r of the Cabinet of Ministers of Ukraine on Adopting the Strategy for Promoting the Realization of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the period until 2030, on 28 July 2021;

(h) Law No. 693-IX that amends the legislative framework and introduces a statelessness determination procedure, on 16 July 2020;

(i) The Action Plan for the Implementation of the National Human Rights Strategy, on 28 October 2020;

(j) Election Code of Ukraine, that prohibits discrimination for electoral rights on the ground of race, colour and social and ethnic origin, on 19 December 2019;

(k) Resolution of the Cabinet of Ministers of Ukraine No. 503 establishing the State Service of Ukraine for Ethnic Affairs and Freedom of Consciousness as a central executive body for the development and implementation of policies in the field of inter-ethnic relations, religion and protection of the rights of national minorities and Indigenous Peoples, on 12 June 2019;

(l) Law of Ukraine No. 2227-VIII on Amendments to the Criminal Code and Criminal Procedure Code of Ukraine that recognizes racist motivations as aggravating circumstances, in December 2017.

## **D. Concerns and recommendations**

### **Statistics**

6. While noting the information provided by the delegation during the dialogue on challenges faced by the State party to conduct the population census since 2001, the Committee remains concerned about the lack of comprehensive statistics on the demographic composition of the population, disaggregated by ethnicity, including with regard to members of Roma communities, Indigenous Peoples, internally displaced persons and non-citizens, such as stateless persons, undocumented migrants, refugees and asylum seekers and on the socioeconomic situation of the various population groups. This lack limits the Committee’s ability to properly assess the situation of such groups, including their socioeconomic status and any progress achieved by implementing targeted policies and programmes (arts. 1, 2 and 5).

7. **Recalling its previous recommendations,<sup>4</sup> general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and its guidelines for reporting under the Convention,<sup>5</sup> the Committee recommends that the State party collect and provide to the Committee comprehensive and disaggregated statistics on the demographic composition of the population, particularly on ethnicity, while respecting the principle of self-identification, together with statistics on the socioeconomic situation of ethnic minority groups, including Roma communities, and of Indigenous Peoples, internally displaced persons and non-citizens, such as stateless persons, undocumented migrants, refugees and asylum seekers, and on their access to education, employment, health care and housing, with a view to creating an empirical basis for assessing and monitoring the equal enjoyment of the rights enshrined in the Convention.**

#### **Legal framework on the prohibition of racial discrimination**

8. The Committee notes the information provided on the legislative framework regarding equality and non-discrimination, particularly in accordance with article 24 of the Constitution and the provisions of the Law of Ukraine No. 5207-VI on Principles of Preventing and Combating Discrimination in Ukraine and its subsequent amendments. Nevertheless, the Committee remains concerned that the legislative framework, including the Law No. 5207, does not prohibit racial discrimination on all the grounds enumerated in article 1 of the Convention, particularly on the grounds of national origin and descent and that it does not expressly prohibit intersecting forms of discrimination (arts. 1, 2 and 5).

9. **Reiterating its previous recommendations, the Committee urges that the State party review its legal framework, particularly the Law of Ukraine No. 5207-VI on Principles of Preventing and Combating Discrimination in Ukraine, to bring them into line with the Convention by including national origin and descent as grounds for racial discrimination and prohibiting intersecting forms of discrimination.**

#### **Policy and institutional frameworks**

10. The Committee welcomes the establishment, in 2019, of the State Service of Ukraine for Ethnic Affairs and Freedom of Consciousness, mandated as a central executive body for the development and implementation of policies in the field of inter-ethnic relations and protection of the rights of national minorities and Indigenous Peoples, as well as on its activities. It notes the information provided by the delegation on the regular consultations with representatives of ethnic minority groups on legal and policy measures. The Committee also notes the information on the Ukrainian Parliament Commissioner for Human Rights that is mandated as an equality body to prevent racial discrimination, including to receive complaints of racial discrimination. Nevertheless, the Committee is concerned about:

(a) Lack of information on the outcomes of the National Human Rights Strategy (2021–2023) and its Action Plan and the lack of information on measures to develop a new national human right strategy;

(b) Absence of a specialized policy to combat and eliminate racial discrimination;

(c) Reports of lack of effective implementation of policy measures and initiatives to combat racial discrimination due to inadequate allocation of resources and lack of effective monitoring;

(d) Reports of the limited powers and inadequate resources allocated to the Ukrainian Parliament (Verkhovna Rada) Commissioner for Human Rights to effectively address and combat racial discrimination (arts. 1, 2 and 5).

<sup>4</sup> CERD/C/UKR/CO/22-23, para. 6.

<sup>5</sup> CERD/C/2007/1.

**11. The Committee recommends that the State party:**

**(a) Develop and implement a targeted policy to combat racial discrimination, with the effective participation of members belonging to groups exposed to racial discrimination and relevant civil society organizations;**

**(b) Ensure effective implementation of its policies on combating racial discrimination by allocating adequate human and financial resources;**

**(c) Strengthen its monitoring and coordination mechanism, particularly the State Service of Ukraine for Ethnic Affairs and Freedom of Consciousness, to ensure the effective implementation of the policy measures on combating racial discrimination;**

**(d) Strengthen the Ukrainian Parliament (Verkhovna Rada) Commissioner for Human Rights, including by amending its legislative framework to expand its mandate and powers in the field of combating racial discrimination and by allocating sufficient human and financial resources to effectively carry out its mandate.**

**Hate speech and hate crimes**

12. The Committee notes the adoption of amendments, in 2017, to the Criminal Code to recognize racial, national, religious hatred or enmity motives as aggravating circumstances, pursuant to Article 67. It also takes note of the information that Article 161 of Criminal Code of Ukraine criminalizes incitement to national, racial or religious hatred. The Committee takes note of the information provided by the delegation on establishing the inter-agency working group to combat hate speech that is mandated to review and strengthen the legislative framework on hate speech. It also notes the information on draft Law No. 5488, which is still under consideration before the Verkhovna Rada since 2021, to amend the legislative framework, criminalizes hate crimes and introduces administrative liability for hate offences. It also notes the information on establishing the National Television and Radio Broadcasting Council of Ukraine in 2023 to monitor the compliance of media outlets with legislative framework, particularly in relation to incitement of discrimination, hatred, enmity against individuals or groups on grounds of ethnic, national origin, and race. The Committee, nevertheless, is concerned about:

(a) The absence of provisions in the legislative framework, including Articles 67 and 161 of the Criminal Code of Ukraine, that explicitly criminalize racist hate speech and hate crimes in accordance with article 4 of the Convention and on all the grounds recognized in article 1;

(b) The delay in adopting draft Law No. 5488, which has been registered before the Verkhovna Rada since 2021;

(c) The restrictive approach applied in Article 161 of the Criminal Code, which includes the requirement that the offences take place during a public event, the necessity of an expert opinion and the request for a victim statement, hampering the effectiveness of the provision and its impacts to prove racist motivation;

(d) Exclusion of non-citizens, such as asylum seekers, undocumented migrants and stateless persons, from the scope and protection against hate speech and hate crimes under Article 161 of the Criminal Code;

(e) Lack of obligation for courts to consider racial, national, religious hatred or enmity motives as aggravating circumstances when imposing punishment pursuant to Article 67;

(f) Lack of information on the activities of the National Television and Radio Broadcasting Council of Ukraine to monitor and address hate speech in the media, on the Internet and in social media, and the lack of explicit criminalization of hate speech in the Law of Ukraine on Media;

(g) The lack of information on measures taken to combat the use of racist hate speech and discourse by politicians and influential public figures, including media professionals (arts. 1, 4 and 6).

**13. Recalling its previous recommendations,<sup>6</sup> its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) Expedite the adoption of draft law No. 5488 and expedite the review process of the legislative framework, particularly Articles 67 and 161 of the Criminal Code of Ukraine and the Law of Ukraine on Media, on hate speech and hate crimes, including by strengthening the mandate of the inter-agency working group on hate speech, to ensure that the legislative framework explicitly criminalizes racist hate speech and hate crimes in accordance with article 4 of the Convention and includes all the grounds of discrimination recognized in article 1 of the Convention;

(b) Strengthen its efforts to monitor and address racist hate speech in the media, on the Internet and in social media, in close cooperation with media outlets, Internet service providers and social media platforms;

(c) Adopt and implement measures to combat the use of racist hate speech by politicians and influential public figures, including by developing and enforcing a code of conduct for members of the Verkhovna Rada and politicians that explicitly prohibits the use hate speech.

#### **Complaints of racial discrimination, including hate speech and hate crimes**

14. The Committee welcomes the adoption of Law No. 4133-IX, on 6 January 2025, that amend the legislative framework to expand the list of individuals eligible for free secondary legal assistance to include victims of hate crimes. It takes note of the information provided by the delegation that the Ukrainian Parliament Commissioner for Human Rights, as an equality body, is mandated to receive complaint of racial discrimination.

15. However, the Committee is concerned about:

(a) The absence of data collection system on racial discrimination, hate speech and hate crimes and the lack of detailed information on complaints of racial discrimination and hate crimes, including before the Ukrainian Parliament Commissioner for Human Rights, and on investigations, prosecutions, convictions and sanctions imposed by domestic courts and on the reparations and redress provided to victims;

(b) Low level of reporting of complaints related to racial discrimination, hate speech and hate crimes possibly owing to lack of trust by victims in the law enforcement agencies, gaps in the State party's anti-racial discrimination structure and lack of awareness about complaint channels and the rights of victims;

(c) Low prosecution rate for racial discrimination and hate crimes, pursuant to Article 161 of the Criminal Code of Ukraine, and the failure to adequately recognize and investigate those crimes by law enforcement agencies owing to the low capacity and lack of specialization among law enforcement agents and prosecution as well as the lack of standardized procedure to handle racial discrimination and hate speech cases;

(d) Reports on the failure of the prosecution and courts in recognizing racist motivations as aggravating circumstances, pursuant to article 67 of the Criminal Code of Ukraine, and the tendency to prosecute hate crimes as hooliganism;

(e) Delaying the provision of secondary legal assistance to victims of hate crimes as mandated by the Law No. 4133-IX for one year after the abolition of martial law (arts. 1, 2, 4 and 6).

**16. The Committee draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and**

<sup>6</sup> CERD/C/UKR/CO/22-23, paras. 16 and 18.

functioning of the criminal justice system, and recalls that an absence of complaints and legal action relating to racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of trust in the judicial system, a fear of reprisals or a lack of will on the part of the authorities to prosecute the perpetrators of such acts. Recalling its previous recommendations,<sup>7</sup> its general recommendations No. 7 (1985) and 15 (1993) relating to the implementation of article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:

(a) Develop a data collection system for complaints of racial discrimination and hate crimes and ensure the availability of statistics on complaints of racial discrimination and hate crimes and on investigations and prosecutions undertaken, convictions handed down and sanctions imposed and include them in its next report;

(b) Adopt measures to encourage the reporting of racial discrimination, racist hate speech and hate crimes and to ensure the availability and accessibility of safe reporting channels to those who are vulnerable to racial discrimination, including by conducting an assessment of the systems for reporting and registering complaints of racial discrimination and hate crimes and by taking measures to identify and prevent discriminatory attitudes in the judicial system;

(c) Undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination;

(d) Adopt the measures necessary to enhance the capacity and provide targeted training for officials engaged in the administration of justice, including police officers and other law enforcement officials, prosecutors and judges, on racial discrimination and hate crimes, including on the identification and registration of such crimes;

(e) Ensure proper recognition of racist motivations as aggravating circumstances, pursuant to article 67 of the Criminal Code;

(f) Adopt effective measure to strengthen legal assistance to victims of racial discrimination and hate crimes, including by reviewing Law No. 4133-IX on legal assistance, to ensure the access of victims of racial discrimination and hate crimes to primary legal assistance, remove the delay in implementing the Law No. 4133-IX and allocate sufficient human and financial resources to the legal aid service.

#### **Racial profiling and racially motivated violence by law enforcement**

17. The Committee takes note of the information provided by the delegation on the human rights training provided to law enforcement agencies and the establishment of a special human rights unit under the National Police of Ukraine in 2021 that is mandated to examine allegations of discriminatory practices, including racial profiling. The Committee is, nevertheless, concerned about the lack of information on the prohibition of racial profiling in the legislative framework on law enforcement and the lack of detailed information on investigations, prosecutions, convictions and sanctions for acts of racial profiling and racially motivated violence by law enforcement officials (art. 4).

18. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:

(a) Adopt legislation that explicitly prohibits racial profiling, racially motivated violence and excessive use of force by law enforcement officials during police operations;

(b) Review its legislative framework to ensure the independence of the special human rights unit under the National Police of Ukraine as a monitoring body with

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<sup>7</sup> CERD/C/UKR/CO/22-23, paras. 12, 14 and 32.

**competence to receive complaints of racial profiling and racially motivated police violence, with safe and accessible reporting channels for victims, and to conduct thorough and impartial investigations into all allegations of racial profiling and racially motivated violence by law enforcement;**

**(c) Collect data on complaints of racial profiling and racially motivated police violence, on investigations, prosecutions, convictions and sanctions imposed, and on reparations provided to victims, and include those in its next periodic report.**

### **Ethnic minority groups**

19. The Committee notes the information on the implementation of the State targeted national and cultural program titled “Unity in diversity” to ensure social inclusion of ethnic minority groups and strengthen social stability and cohesion of the Ukrainian society. It also notes the information on the adoption, in December 2022, of the Law on National Minorities (Communities) of Ukraine and its subsequent amendments, in December 2023, that guarantee the civil, political, social, economic, cultural and linguistic rights and freedoms of ethnic minority groups and promote equality and non-discrimination. Nevertheless, the Committee is concerned that:

(a) The Law on National Minorities (Communities) of Ukraine and its subsequent amendments, including the draft Law 13169 that is being considered before the Verkhovna Rada, discriminate against ethnic and ethno-linguistic minority groups whose languages are not official languages of the European Union, such as Russian, Armenian and Romani, particularly in relation to the enjoyment of their rights to education in their mother tongue and to participate in elections as well as cultural rights;

(b) Discrepancies in the legislative framework result in discrimination and inconsistent level of access to education in the mother tongue between recognized Indigenous Peoples, unrecognized Indigenous Peoples and ethnic and ethno-linguistic minorities;

(c) The Law on National Minorities (Communities) of Ukraine and its subsequent amendments suspend temporary, for the duration of martial law and for six months after its revocation, several rights, including the right to peaceful assembly of ethnic minority groups who “identify their affiliation by ethnic origin” with an “aggressor State”;

(d) Lack of information on the level of representation of ethnic minority groups, including Roma, and Indigenous Peoples in law enforcement agencies, public administration and the judiciary, particularly in senior and decision-making positions (arts. 2 and 5).

### **20. The Committee recommends that the State party:**

**(a) Review its legislative framework, particularly the Law on National Minorities (Communities) of Ukraine and its subsequent amendments, to repeal differential treatment and discrimination among recognized and unrecognized Indigenous Peoples, ethnic and ethno-linguistic minority groups to their equal access to education in their mother tongue and to rescind any restrictions on exercising and enjoying their political, civil, economic, social and cultural rights, particularly their right to freedom of peaceful assembly and association;**

**(b) Take measures to ensure fair and equitable representation of ethnic minority groups, including Roma, and Indigenous Peoples, particularly women, in the public sector, and in decision-making and high-ranking positions, including through special measures.**

### **Roma**

21. The Committee welcomes the adoption in July 2021 of the Strategy for Promoting the Realization of the Rights and Opportunities of Persons belonging to the Roma National Minority in Ukrainian Society for the period until 2030 and its Action Plan for 2024–2025. It also notes the information that the Ukraine Recovery Plan, adopted in 2022, includes targeted measures to improve the situation of Roma communities in the fields of education

and housing. The Committee takes note of the information on the regular consultations with representatives of the Roma communities and the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience regarding the implementation of the policy framework. Nevertheless, it is concerned about:

(a) The lack of detailed information and official statistics on the Roma communities in the State party, particularly on their socioeconomic situation;

(b) Reports that the policy framework, including the Strategy for Promoting the Realization of the Rights and Opportunities of Persons belonging to the Roma National Minority in Ukrainian Society, its Action Plan for 2024–2025 and the Ukraine Recovery Plan, does not comprehensively address all the needs of the Roma communities;

(c) Reports of persistent social exclusion of Roma and the widespread negative stereotypes, prejudices and intolerance against Roma communities;

(d) Reports of low attendance and high dropout rates at all levels of education among Roma children, which is aggravated by the school closures and online learning schemes as a result of the ongoing war and the COVID-19 pandemic;

(e) Reports of the disproportionate negative effects of the ongoing war on socioeconomic situation of Roma communities, including barriers to access to housing, accommodation and other public services owing to stigma, particularly among undocumented Roma and internally displaced Roma;

(f) Reports of high rates of undocumented Roma, without identity documents or birth certificates, and facing obstacles in accessing basic services such as health-care services, education and social benefits;

(g) The adverse effects of the COVID-19 pandemic on the already precarious conditions of Roma communities, in terms of high infection rates and on their enjoyment of their economic and social rights, including the access to health care services and education (arts. 2 and 5).

**22. Reiterating its previous recommendations,<sup>8</sup> and recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee urges the State party to:**

**(a) Provide statistics about Roma, particularly concerning their economic, social and cultural situation, and include them in its next periodic report;**

**(b) Review its policy framework on Roma communities, including the Strategy for Promoting the Realization of the Rights and Opportunities of Persons belonging to the Roma National Minority in Ukrainian Society for the period until 2030 and its Action Plan for 2024–2025 and the Ukraine Recovery Plan, to reflect a comprehensive and inclusive approach to ensure their enjoyment of their economic, social and cultural rights and effectively implement these policies, including by allocating sufficient human, financial and technical resources and by monitoring progress in the enjoyment of human rights by Roma communities;**

**(c) Adopt effective measures to combat stereotypes and prejudices and to eliminate stigmatization of Roma communities;**

**(d) Adopt measures to ensure access by Roma children to quality and inclusive education, with a view to increasing school enrolment rates and combating school dropout, including by strengthening the support system for Roma children and families to prevent further disruption to education as a result of the ongoing armed conflict, by ensuring compensation for the loss of learning opportunities for Roma children owing to the COVID-19 pandemic as well as the ongoing conflict, and by conducting awareness-raising campaigns on the importance of education targeted at Roma children and young people and their families;**

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<sup>8</sup> CERD/C/UKR/CO/22-23, para. 22.

(e) **Take and implement effective and targeted measures to mitigate the impacts on Roma communities of the ongoing war to ensure their enjoyment of the rights to education, health, housing and social services, particularly targeting undocumented Roma and internally displaced Roma;**

(f) **Adopt measures to register undocumented members of the Roma communities and facilitate the process for issuing identity and birth registration documents;**

(g) **Take measures necessary to mitigate and recover from the adverse effects of the COVID-19 pandemic and its socioeconomic impacts on the Roma communities, while taking into consideration their specific needs.**

#### **Racially motivated attacks against Roma communities**

23. The Committee is deeply concerned about reports of hate crimes, harassment and organized violent attacks against Roma communities that occurred in 2018, including unlawful killing and destruction of property, perpetuated by organized vigilante groups, such as the Kyiv Municipal Guards, leading to abuses and violations of their rights to life and physical integrity, to an adequate standard of living and to the highest attainable standard of health. It also notes with concerns reports of the delay in investigating and prosecuting these incidents and the failure of the prosecution and courts in recognizing these attacks as hate crimes or considering racist motivations as aggravating circumstances, pursuant to Articles 67 and 161 of the Criminal Code of Ukraine (arts. 1, 2, 4 and 6).

**24. Reiterating its previous recommendations,<sup>9</sup> the Committee urges the State party to:**

(a) **Adopt measures to ensure accountability and end impunity by conducting effective, thorough and impartial investigations into all reports of abuses and violations of human rights perpetrated by individuals and organized vigilante groups against members of Roma communities, and prosecute and punish those convicted adequately with penalties commensurate with the offences;**

(b) **Provide victims of hate crimes with adequate redress and support;**

(c) **Take and implement measures to ensure an effective, objective and proportionate response by law enforcement to hate crimes, harassment and violent attacks against members of Roma communities and to ensure their protection, as well as the protection of their property, including by monitoring and combating hate speech, incitement to and promotion of racial hatred and discrimination, including on the Internet and social media, and ensuring that such incidents are effectively, thoroughly and impartially investigated and, where appropriate, prosecuted and punished with penalties commensurate with the offences;**

(d) **Adopt and implement measures to effectively prohibit organized vigilante groups that intimidate members of Roma communities, engage in hate speech and incitement to racial hatred and are responsible for attacks and violence against them;**

(e) **Take measures to promote tolerance and mutual understanding among Roma and non-Roma communities and reinforce trust by Roma communities in official institutions by actively promoting their inclusion and participation.**

#### **Right to freedom of thought, conscience and religion**

25. The Committee takes note of the information provided by the State Party delegation on the controversy over the administrative jurisdictions of various Orthodox churches in Ukraine. The Committee is concerned, however, about reports that disputes over the control of the church property at times escalated to physical violence between parishioners, the response of Ukrainian law enforcement was inadequate, and that the fairness of the criminal

<sup>9</sup> CERD/C/UKR/CO/22-23, para. 20.

proceedings involving a large number of criminal cases related to the disputes were questionable (arts. 2 and 5).

**26. The Committee recommends that the State party ensure that the changes in the status of various Orthodox churches in Ukraine do not result per se in racial discrimination against any particular ethno-religious group in its territories, the fairness of criminal proceedings are guaranteed, and the freedom of religion and conscience of all involved are effectively respected.**

#### **Indigenous Peoples**

27. The Committee notes with appreciation the adoption, in July 2021, of the Law of Ukraine No. 1616-IX on Indigenous Peoples of Ukraine that promotes the rights of Indigenous Peoples and recognizes their cultural rights and its regulations on consultation with representative bodies of Indigenous Peoples and for consolidating their legal status. The Committee, nevertheless, is concerned that:

(a) The Law No. 1616-IX on Indigenous People recognizes only Crimean Tatars, Karaims and Krymchaks as Indigenous Peoples and excludes other Indigenous Peoples, such as Hutsuls, Lemkos and Gagauz, due to the application of narrow criteria for recognizing Indigenous Peoples;

(b) The Cabinet of Ministers has overarching power to decide without consultation with Indigenous Peoples on the consolidation or removal of the legal status of their representative bodies that are mandated to develop policies and strategies on Indigenous Peoples' self-determination;

(c) The consideration and approval by the Cabinet of Ministers of the application submitted by the Mejlis of the Crimean Tatar to obtain legal status as the representative body is unduly delayed, which hampers the realization of their rights;

(d) Disproportionate impact of the ongoing armed conflict on Indigenous peoples, particularly the Crimean Tatars, and challenges faced in accessing their economic and social rights (arts. 2 and 5).

**28. Recalling its previous recommendations,<sup>10</sup> the United Nations Declaration on the Rights of Indigenous Peoples, and its general recommendation No. 23 (1997) on the rights of Indigenous Peoples, the Committee recommends that the State party review its legislative framework, particularly the Law of Ukraine No. 1616-IX on Indigenous Peoples of Ukraine and the relevant regulations, with the aim to:**

(a) **Ensure the recognition of all Indigenous Peoples in accordance with the international standards and the principle of self-identification;**

(b) **Establish the requirement of consultations with Indigenous Peoples regarding the consolidation or removal of the legal status of their representative bodies;**

(c) **Facilitate and accelerate the process of consolidation of the legal status of the representative bodies of all Indigenous Peoples, including by setting clear timeframes and introducing judicial oversight;**

(d) **Adopt targeted mitigation measures to address the impacts of the ongoing war on all Indigenous Peoples, particularly Crimean Tatars, and ensure their enjoyment of their economic and social rights.**

#### **Application of the Convention in the context of the ongoing war**

29. The Committee takes note of the information provided by the delegation on the implications of the ongoing war resulting from the full-scale military attack by the Russian Federation against the State party in February 2022, and the occupation and illegal annexation

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<sup>10</sup> CERD/C/UKR/CO/22-23, para. 24.

of the Autonomous Republic of Crimea and the city of Sevastopol in 2014 on the situation of persons protected under the Convention. The Committee is concerned about:

(a) Reports of human rights violations and abuses committed during the ongoing war by the military forces of Ukraine against prisoners of war, persons *hors de combat* and other protected persons of Russian ethnic or national origin, including allegations of extrajudicial killings, torture and other ill-treatment and violations of fair trial and due process safeguards;

(b) Lack of detailed information on the situation of prisoners of war from other national origin and members of armed groups captured during the ongoing war, notwithstanding the information provided by the delegation that there are 62 prisoners of war captured from different nationalities other than Russian or Belarusian;

(c) Lack of information on investigations, prosecutions, convictions, and sanctions for alleged human rights violations and abuses perpetrated by the military forces of Ukraine in the context of the ongoing war;

(d) Lack of information on investigations, prosecutions, convictions, and sanctions for incidents of discriminatory treatment and racist hate speech and violence against persons belonging to groups exposed to racial discrimination whilst attempting to flee the State party into neighbouring countries, in particular people of African, Asian, Middle Eastern and Latin American descent, including denying their access to bomb shelters, preventing them from crossing the border or pushing them to the back of queues for transportation (arts. 2, 5 and 6).

**30. The Committee recommends that the State party:**

(a) **Strengthen its efforts to ensure accountability and end impunity, including by conducting effective, thorough and impartial investigations into allegations of violations and abuses of human rights against prisoners of war and other protected persons, including of Russian ethnic or national origin, and to prosecute those responsible, and appropriately punish those convicted and provide victims with adequate redress and support;**

(b) **Ensure the right to fair trial proceedings of prisoners of war, persons *hors de combat* and other protected persons including of Russian ethnic or national origin and of other national origin, while ensuring the availability of legal assistance and the inadmissibility of evidence obtained under duress and torture before court;**

(c) **Conduct effective, thorough and impartial investigations into all incidents of discriminatory treatment and racist hate speech and violence against persons belonging to groups exposed to racial discrimination while attempting to flee the State party into neighbouring countries, in particular people of African, Asian, Middle Eastern and Latin American descent, prosecute those responsible and ensure that they are appropriately punished.**

**Internally displaced persons**

31. The Committee takes note of information that the ongoing war and the full-scale military attack by the Russian Federation against Ukraine in February 2022 resulted in high number of internally displaced persons in the State party fleeing regions affected by the armed conflict, including members of ethnic minority groups, particularly Roma communities, and Indigenous Peoples. The Committee takes note of the measures taken by the State party to evacuate the affected population from conflict-affected areas and to support internally displaced communities. Nevertheless, the Committee is concerned about reports that women, children, older persons and persons with disabilities, who experience multiple and intersecting discrimination based on age, gender, language spoken, ethnicity, national origin and disability, face obstacles in accessing basic services, such as housing and social benefits, particularly those who have lost their identity documents or stateless persons.

**32. Reiterating its previous recommendations,<sup>11</sup> the Committee urges the State party strengthen its efforts in supporting internally displaced communities by incorporating ethnic and gender perspectives and taking into account factors such as age, gender, language spoken, ethnicity, national origin and disability in all mitigation measures and strategies to protect internally displaced persons and to ensure their access to basic services, including adequate housing and social benefits. It also recommends that the State party adopt measures to facilitate the registration of internally displaced persons and to assist such persons in obtaining official documentation.**

#### **Refugees and asylum seekers**

33. The Committee takes note of the information provided by the delegation on the legislative framework on refugees and asylum-seekers, including Article 22 of the Constitution and Law No. 3671-VI on Refugees and Persons in Need of Complementary or Temporary Protection. Nevertheless, the Committee is concerned that:

(a) Recent amendment to the legislative framework, pursuant to the adoption of the Law No 2952-IX on Amendment of Certain Law of Ukraine on the Protection of the State Border of Ukraine in February 2023, introduces restrictions on access of individuals in need of international protection to the State party's territory, in violation of the principle of non-refoulement, by expanding grounds for non-admission of asylum applications at the border, and limiting appeals of asylum rejection decisions and decisions to deny entry;

(b) The amendment also vested the State Migration Service, State Border Guard Service, and Security Service with discretionary powers to forcibly deport non-citizens, particularly stateless persons, while weakening the judicial oversight;

(c) Inconsistent application and interpretation of the legal framework on procedure for refugee status determination, in relation to the timeframe of applying to procedure for refugee status determination and circumstances of entry into the State party, which results in rejecting the application, particularly in the cases of *sur place* asylum applications;

(d) Broad scope for the State Migration Service to reject application under the procedure for refugee status determination at the acceptance and admissibility stages, and reportedly often orally rejecting applications without written decisions;

(e) Applications under the procedure for refugee status determination submitted by Russians and Belarusians before February 2022 are reportedly rejected owing to discrimination on the ground of the national origin of the applicants;

(f) Lack of strategy or other policy measures for the integration of asylum seekers and refugees;

(g) Poor living conditions in reception centres for asylum-seekers;

(h) Asylum-seekers face barriers in accessing and enjoying their economic and social rights, including social housing, public health care services, public higher education and employment owing to the lack of recognition of documents issued to asylum-seekers as valid identity documents (arts. 2 and 5).

**34. Recalling its previous recommendations<sup>12</sup> and its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Review its legislative framework, in particular the Law No. 3671-VI on Refugees and Persons in Need of Complementary or Temporary Protection, to align it with international standards, particularly the Convention and the principle of non-refoulement, to enhance protection of asylum-seekers and refugees without discrimination, to ensure an effective and fair procedure for refugee status**

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<sup>11</sup> CERD/C/UKR/CO/22-23, para. 30.

<sup>12</sup> CERD/C/UKR/CO/22-23, para. 26.

**determination to those in need of international protection and to ensure that asylum-seekers are provided with redress and effective legal remedies in relation to their requests for asylum and refugee status, including judicial appeal procedures;**

**(b) Develop and implement an integration policy framework for asylum-seekers and refugees into the society, including by providing language training, vocational training and employment opportunities;**

**(c) Take measures to improve the living conditions in reception centres and ensure their conformity with international standards and provide alternative housing solutions for those who cannot be accommodated;**

**(d) Adopt measures, including legal measures, to ensure and facilitate the access to employment, housing, health care and education for asylum-seekers and refugees without discrimination.**

### **Stateless persons**

35. The Committee welcomes the establishment, in 2020, of procedure for determining statelessness, in accordance with the provisions of the Law No. 693-IX. However, the Committee is concerned about:

(a) Lack of statistics on stateless persons and their socioeconomic situation;

(b) Reported increase in statelessness due to the ongoing war and the high number of internally displaced persons who lost their identity documents in the occupied territories, particularly following the full-scale military attack in February 2022;

(c) Reported inadequate allocation of resources to the procedure for determining statelessness and the high number of pending applications;

(d) Amendment adopted to the legislative framework, pursuant to the adoption of the Law No. 2952-IX on Amendment of Certain Law of Ukraine on the Protection of the State Border of Ukraine, in February 2023, which granted the State Migration Service, State Border Guard Service, and Security Service discretionary powers to forcibly deport stateless persons without the necessity of a judicial order;

(e) Applications submitted before February 2022 under the procedure for determining statelessness by individuals linked to the Russian Federation are reportedly rejected owing to discrimination on the ground of the ethnic or national origin of the applicants, and that the suspension of diplomatic relations between the State party and the Russian Federation hindered the consideration of applications;

(f) The draft law No. 11469 on Amendments to Certain Laws of Ukraine on Ensuring the Right to Acquire and Preserve Ukrainian Nationality, which is under consideration before the Verkhovna Rada, would enable authorities to revoke citizenship due to acquisition of the citizenship of an “aggressor State”, increasing the risk of statelessness for residents of the occupied territories who acquired the Russian citizenship under duress from the occupying authorities or to access basic services, including health care services, employment and social benefits;

(g) Difficulties faced in birth registration and granting nationality to children born on the State party’s territory to parents who are asylum seekers, stateless or undocumented migrants;

(h) The draft law No. 11469 would halt granting the nationality to children born to asylum seekers (arts. 2 and 5).

**36. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party strengthen its efforts to reduce and prevent statelessness. Particularly, it recommends that the State party:**

**(a) Develop and implement mitigation measures to address and combat statelessness as a result of the full-scale military attack against the State party and the**

war, particularly among internally displaced persons from the occupied territories who lost their identity documents;

(b) Allocate adequate human, financial and technical resources to ensure that the procedure for determining statelessness function effectively to resolve the high number of remaining statelessness cases;

(c) Conduct a human rights-based assessment of the legislative framework on statelessness, particularly Law No. 2952-IX, and the procedure for determining statelessness and adopt measures necessary to ensure their compliance with international human rights principles and the objectives and purposes of the Convention, particularly regarding effective judicial oversight, respecting the principle of non-refoulement, preventing racial discrimination on the ground of ethnic or national origin;

(d) Review and ensure that the draft Law No. 11469, which is considered before the Verkhovna Rada, is in line with international standards and the Conventions regarding preventing and combating statelessness, with a view to avoid statelessness of children born to asylum seekers and residents of the occupied territories who acquired the Russian citizenship under duress from the occupying authorities or to access basic services;

(e) Ensure that birth registration are issued and grant nationality to children born on the State party's territory to parents who are asylum seekers, stateless or undocumented migrants.

#### **Human rights education to combat prejudice and intolerance**

37. The Committee takes note of the information provided on the integration of human rights education to the school curricula. Nevertheless, the Committee is concerned about the lack of information on measures, including systematic awareness-raising campaigns, targeting the general public, members of law enforcement and judicial authorities to combat racial discrimination, prejudices and intolerance (art. 7).

38. The Committee recommends that the State party strengthen its approach to human rights education in schools and encourage that it is provided at all educational levels, including universities, and that it covers the promotion of understanding and tolerance. It also recommends that the State party conduct public awareness-raising campaigns with measurable outcomes, targeting the general public, civil servants, law enforcement officials and judicial authorities on the importance of ethnic and cultural diversity, tolerance and understanding.

### **E. Other recommendations**

#### **Ratification of other treaties**

39. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

#### **Follow-up to the Durban Declaration and Programme of Action**

40. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review

Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### **International Decade for People of African Descent**

41. The General Assembly, in Resolution 79/193, has proclaimed 2025–2034 the Second International Decade for People of African Descent. It has also decided to extend the programme of activities for the implementation of the International Decade for People of African Descent adopted in resolution 69/16, with a view to ensuring continuing efforts in promoting the respect, protection and fulfilment of all human rights and fundamental freedoms of people of African descent. In light of this development, the Committee recommends that the State party implement the programme of activities in collaboration with people of African descent and include in its next Periodic report information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### **Consultations with civil society**

42. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

43. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities in the official and other commonly used languages, as appropriate.

#### **Common core document**

44. The Committee encourages the State party to update its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006.<sup>13</sup> In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

#### **Paragraphs of particular importance**

45. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 13 (Hate speech and hate crimes), 24 (Racially motivated attacks against Roma communities) and 30 (Application of the Convention in the context of the ongoing war) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### **Follow-up to the present concluding observations**

46. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of

<sup>13</sup> HRI/GEN/2/Rev.6, chap. I.

the recommendations contained in paragraphs 32 (Internally displaced persons), 34 (c) (Refugees and asylum-seekers) and 36 (a) and (e) (Stateless persons) above.

**Preparation of the next periodic report**

47. The Committee recommends that the State party submit its combined 27<sup>th</sup>– 30<sup>th</sup> periodic reports, as a single document, by April 2030, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>14</sup> and addressing all the points raised in the present concluding observations. In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.

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<sup>14</sup> CERD/C/2007/1.