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Human Rights Watch wishes to take the opportunity of the upcoming preparation by the Human Rights Committee Country Report Task Force of a list of issues on Ukraine, to highlight a number of key human rights concerns we believe would be paramount to include in discussions of the Ukrainian government's implementation of the International Covenant of Civil and Political Rights.

Forced returns to Uzbekistan

The forced return of ten Uzbek asylum seekers in February 2006 stands out as one of the most egregious violations in recent times by the Ukrainian government of its obligations under international law. The ten men were deported to near-certain torture and abuse in Uzbekistan on the night of February 14-15, apparently pursuant to Uzbek arrest warrants. Nine of the men had registered as asylum seekers with the office of the United Nations High Commissioner for Refugees (UNHCR) in Kiev. Despite this, the men were given no effective opportunity to appeal the deportation, and UNHCR was denied access to them. The accelerated decision to deport asylum seekers of concern to UNHCR without giving it access to the applicants gives rise to serious concern that Ukrainian authorities trampled upon basic procedural rights as well as the fundamental prohibition under international law against *refoulement*.

The Ukrainian government has yet to provide an adequate explanation as to how it could have happened that asylum seekers registered with the UNHCR were deported, and to take urgent steps to ensure that forced returns in blatant violation of international law do not happen again. This is all the more pressing in light of the fact that Ukraine is host to many Uzbek citizens who have fled persecution in their home country – people who following the February deportation are understandably too afraid to exercise their legal right to seek protection and come forward with their asylum claims. We hope the Committee will use the upcoming consideration of Ukraine to raise concern about these forcible returns, and to call for urgent resettlement for the remaining Uzbeks in Ukraine to safe third countries.

Migration and asylum policy

European Union enlargement has increased migratory pressure on Ukraine, as increasing numbers of migrants and asylum seekers transit through the country en route to the Union, and migrants and failed asylum seekers are returned to Ukraine from Poland, Slovakia, and Hungary via bilateral readmissions (returns) agreements. Ukraine is already incapable of managing the migrants and asylum seekers on its territory. As detailed in our November 2005 report "Ukraine: On the Margins. Rights Violations against Migrants and Asylum Seekers at the New Eastern Border of the European Union" (available online at: <http://hrw.org/reports/2005/ukraine1105/>), migrants and asylum seekers in Ukraine are subject to routine detention in appalling conditions, face violence, robbery and extortion, are denied legal assistance, and in some cases are returned to countries where they face persecution, torture or ill-treatment [see above section on forced returns to Uzbekistan].

Compounding this problem is the fact that E.U. policy towards Ukraine to date has tended to emphasize migration control and the return of failed asylum seekers rather than enhanced human rights protection for migrants and asylum seekers, notwithstanding the welcome decision to designate Ukraine as one of the countries in a pilot Regional Protection Programme. We hope to see the Human Rights Committee use the opportunity of its upcoming consideration of Ukraine to emphasize the need for urgent improvements in Ukraine's treatment of migrants and asylum-seekers as a key component of its obligations under the ICCPR.

HIV/AIDS

Ukraine is home to the worst HIV/AIDS epidemic in Europe, and one of the fastest growing epidemics in the world. The Ukrainian government has taken a number of positive steps to fight HIV/AIDS, chiefly in the area of legislative and policy reform. But these important commitments are being undermined by widespread human rights abuses against drug users, sex workers, and people living with HIV/AIDS in the criminal justice and health systems.

Human Rights Watch's research in 2005 and 2006 found that police subject drug users and sex workers to physical and psychological pressure, including severe beatings, electroshock, partial suffocation with gas masks, and threats of rape, as a means to extort money or information from them. These abuses, together with direct police interference with the delivery of HIV prevention information and services, drive those at highest risk of HIV/AIDS away from lifesaving services that the government has pledged to provide. People living with and at high risk of HIV/AIDS also face widespread discrimination in the health care system. They are denied medical treatment, and face violations of their privacy by health care providers who disclose confidential information about their HIV status. A more comprehensive account of these abuses can be found in our March 2006 report "Rhetoric and Risk: Human Rights Abuses Impeding Ukraine's Fight Against HIV/AIDS," available online at: <http://hrw.org/reports/2006/ukraine0306/>.

It is vital that the international community convey a message to the Ukrainian authorities that makes clear that compliance with international human rights standards is critical to an effective fight against HIV/AIDS, and urge the Ukrainian leadership to address the shortcomings pertaining to its record that impede this fight. In that regard, we encourage the Committee to use the upcoming review of Ukraine to raise concern about human rights abuses that impede its fight against HIV/AIDS, and to formulate specific recommendations to the Ukrainian government to address them. Such recommendations could include that it undertake the following measures: stop the unlawful use of force and other ill-treatment by police and other agents of the state against drug users and sex workers; stop interference by police and other agents of the state with HIV/AIDS prevention, care, and treatment services for drug users; expand the scope and support for humane treatment for drug addiction, including in prisons, and including the prompt implementation of opiate substitution therapy with methadone and buprenorphine; and ensure that drug users and people living with and at high risk of HIV/AIDS can obtain complete, accurate information about HIV/AIDS, and HIV/AIDS information and services, without fear of punishment or discrimination.

Discrimination against women in the workforce

Systematic discrimination against women in the recruitment and hiring processes in Ukraine is an important problem that has not received sufficient attention to date. Following extensive research conducted in 2003 (the findings of which are summarized in our report, “Women’s Work: Discrimination against Women in the Ukrainian Labor Force,” available online at <http://www.hrw.org/reports/2003/ukraine0803/>), Human Rights Watch concluded that widespread discrimination against women during the employment process limits women’s access to jobs and prevents their full and equal participation in the work force. Job ads often specify gender among the list of requirements for work in businesses and government agencies, dissuading women from even attempting to apply for jobs that match their professional qualifications. Employers frequently deny women employment based on personal information required in interviews regarding age, marital status and family circumstances. Employers justify their preferences for male employees on stereotypical assumptions about women’s physical and intellectual capacities and their family responsibilities.

As a result, women in Ukraine are relegated to work in the low-wage service sector or public sector, or pushed to seek employment, including secondary employment, in the unregulated informal sector. Many women choose to go abroad to seek better economic opportunities, a choice that may leave them vulnerable to being trafficked into the commercial sex industry or other forms of forced labor.

We hope the Committee will use the opportunity of the upcoming review of Ukraine to raise concern about gender discrimination against women in the workforce in Ukraine and call on the government to take specific steps to address it.

Such steps could include the following:

- Public statements at the highest level condemning these discriminatory practices;
- The introduction of legislation banning gender-specific job ads;
- A ban on gender-targeting at the state employment centers.