

Mr. Chairman,

Honorable members of the committee

First of all I would like to thank you for the opportunity to be here today and to discuss the report of Ukraine on the implementation of the U N Convention against Torture, as well as new developments in Ukraine in various areas which may be interesting for the Committee.

Let me introduce the Ukrainian delegation which is here today to discuss the six periodic report.

Ludmila Sugak - head of section on international cooperation with international organizations of the department of implementation of the association agreement with EU, legal expertise of international treaties and international cooperation of the Ministry of Justice

Nikolaj Iltyaj head of department of protection, and security, regime and control of execution of court judgments of the State Penitentiary Service

Jovenko Ivan - head of section of General Investigation department of the Ministry of Interior

and Im the Government Agent of Ukraine before the ECHR - Natalia Sevostianova

We are very grateful that we can today present in the walls of the United Nations position of the Government of Ukraine on the urgent and very important for us issue.

Im my opening statement I would like to focus on the most significant changes that have occurred in the national legal system after a report of Ukraine, that were designed to fundamentally change approaches and standards for the protection of human rights in Ukraine.

Since lodging the report with the committee many things changed in our country. Ukraine I see today is very different. I see a strong country with powerful civil society that could stand proudly for its right to choose the future they deserve for themselves. Ukraine is Europe - that was one of the slogans on Euromaidan which resulted in major political changes in our country. Our newly elected Parliament, Government and President work together for the one aim - integration of Ukraine with European Union. And on the way to this aim many reforms have to be done, especially in the sphere of human rights protection. Some of the results that we have for now I can share with you today.

In 2012, the Parliament adopted a new Criminal Procedure Code of Ukraine. It replaced the old Code of Criminal Procedure, adopted back in the 60s of last century.

The new Code of Criminal Procedure stipulates in detail the use of all preventive measures. It

provides the parties an equal right to protection,

Sets clear criteria for the admissibility of evidence;

Guarantees the right to defense,

Sets clear criteria for the admissibility of evidence, adversarial process and the availability of judicial review of human rights at all stages of the criminal process.

All these give grounds to say that the provisions of the new Code of Criminal Procedure fully comply with the guarantees of the right to a fair trial.

And we already see the result - the punishment paradigm is destroyed, for example during 9 months of this year in 235 cases the courts issued an acquittal judgment. In 40 cases the prosecutor dropped the accusation

But the Adoption of the new Code of Criminal Procedure was only the first step in reforming the criminal justice system.

In March 2014, the Government of Ukraine adopted the program of activities of the Cabinet of Ministers of Ukraine, aimed to secure protection of human rights on the principles of the rule of law, openness and transparency of public authorities such as:

- Ensuring the effectiveness of justice.
- Reform of the law enforcement agencies.
- Full and comprehensive investigation of the crimes related to the mass protests in November 2013 -February 2014.

The program provides the adoption of such legislation as:

On the Concept of reforming of the judicial system of Ukraine

On the Judicial System and Status of Judges (new edition)

On the Public Prosecution Service (new edition)

On Advocacy and Legal Practice (new edition)

On the Police

About the State Penitentiary Service of Ukraine

Changes to the Criminal Procedural Code of Ukraine

On Peaceful Assemblies

On the Concept of state-confessional relations in Ukraine (Concept approved Ukrainian Council of Churches and religious organizations)

Currently, the draft Law "On Advocacy" is submitted to the Venice Commission.

Besides, in 2011 Ukraine adopted the Law "On Legal Aid", which introduced the institution of legal aid and provides the possibility of a citizen of Ukraine, foreigners and stateless persons, including refugees or persons in need of subsidiary protection, to receive free primary legal aid, as well as the possibility of a certain category of persons to get free secondary legal aid.

From the 1 January 2013 the Criminal Procedure Code of Ukraine, the Code of Administrative Offences, the Law of Ukraine "On the Legal Aid" require the State to ensure the provision of free secondary legal assistance with the application of new approaches, namely,

significantly expanded the list of categories of persons who are guaranteed to be provided with free secondary legal assistance; introduce quality standards for the provision of free secondary legal assistance and regular monitoring of compliance. Advocates are appointed by the centers to provide free secondary legal aid (hereinafter - the Center) that minimizes the risks of undue influence on the profession and eliminates the institutional conflict of interests between the party and the state prosecution on the one hand and on the other side of the defense; Thus, as of today in Ukraine fully resolved the issue of access to legal assistance and the right to defense in criminal proceedings.

Also, we prepared the draft Law of Ukraine On amending the Law of Ukraine "On Judiciary and the Status of Judges" which improves the principles of organization and functioning of the judiciary in accordance with the European standards and 47 Recommendations of the Council of Europe, which soon will be submitted to the Venice Commission.

This draft of the law provides the following: improve the procedure for selection of judges; provide a guaranteed right of access to justice; establish a foundation for the introduction of e-justice; optimize the system of courts of general jurisdiction of the courts through the reorganization of economic jurisdiction; establish an effective system of judicial self-government; determine the conditions of rational use of state budget funds for the maintenance of the judicial system.

On October 16 by the Presidential Decree there was established the

Council for Judicial Reform as an advisory body to the President of Ukraine.

This Council was established to implement the Strategy for Sustainable Development "Ukraine - 2020", aimed in particular at achieving European standards in the area of judicial reform and the protection of the rights and freedoms of human and citizen, establishment of an effective mechanism of interaction of state bodies and institutions of civil society in the implementation of such reform.

The main objective of this Council is to develop and implement a strategy for reforming Ukraine judicial organization and procedure, other related legal institutions.

An important step to restore public confidence in the national courts became the adoption of April 8, 2014 the Verkhovna Rada of the Law of Ukraine "On the recovery of confidence in the judiciary in Ukraine", which sets out the legal and organizational framework for conducting a special audit of judges of courts of general jurisdiction.

On the 16 of October the Verkhovna Rada of Ukraine adopted the Law "On Prosecutor's Office".

The Act provided deprivation of prosecutors general oversight or general supervision function, the transfer of investigative functions to the National Bureau of Investigation, guarantees the independence of prosecutors, and prosecutors self-government bodies.

With the adoption of this Act we can talk about the implementation of Ukraine the obligation to change the role and functions of the Prosecutor's Office by reforming this institution with the standards of the Council of Europe.

With regard to the deprivation of rights of prosecutors to conduct pre-trial investigation, in accordance with the final provisions of the Code of Criminal Procedure and paragraph 4 of the transitional provisions of the Law - prosecuting authorities continue to implement the pre-trial investigation of certain crimes before the activity of the State Bureau of Investigation, but not later than 5 years after entry of the Code in to force (no later than 21 November 2017).

Presidential Decree of the 8 of November 2012 approved the concept of public policy in the reform of the State Penal Service of Ukraine, aimed at bringing order and conditions of execution and serving of criminal penalties in accordance with national legislation and international standards.

By the Order of the Ministry of Justice of Ukraine of the 18 of April was established the Commission of public policy in the area of enforcement of criminal penalties, which aims at operating time standards of detention of persons in custody, the development of proposals to improve the regulatory framework, bringing it into line with international standards and the European Court of human Rights. Within the Commission there are 5 mobile units to carry out inspections of prisons.

On October 15, 2014 by the Decree of the President of Ukraine was established the creation of the national strategies in the field of human rights.

The national strategy will be developed with the involvement of representatives of public authorities and stakeholders, civil society and leading national and international experts with international experience. It will be based on the reduction to a single catalog of all the commitments made by Ukraine in the field of human rights, including the accession to international treaties and political commitments.

Another issue I wanna raise is about the events in Crimea and Eastern Ukraine

The occupation of the territory of the Autonomous Republic of Crimea by the Russian Federation and the actions of that state in relation to the annexation of the part of the Ukrainian territory do not only constitute an unprecedented case of gross violation of the fundamental international principles, but are also a global challenge in the humanitarian field.

The citizens residing in Crimea or serving a sentence in its territory undergo incredible pressure and suffer from systematic violations of fundamental rights and freedoms. The citizens of Ukraine are on a massive scale forced to change citizenship under threats, physical force and in the circumstances where obstacles are created to the applications on resistance to change citizenship. Ukrainian schools are being forcibly closed, numerous violations of the rights of the Crimean Tatar people to their mother tongue and the freedom of religion, infringement of the rights of journalists and restrictions on the freedom of movement have been recorded, psychological pressure and many cases of unjustified kidnappings have been committed.

Particularly challenging is the issue of observance of the human rights of prisoners and convicted persons because the responsibility to ensure proper conditions for their maintenance lies with the state. The occupation of the territory of the ARC by the Russian Federation makes it impossible for the state to ensure the human rights and freedoms, thus depriving the prisoners of their basic rights to nutrition, medical care, communication with family etc.

Also quite complicated the situation in penitential establishments in the south-east of Ukraine.

Unidentified persons so-called "Donetsk People's Republic" and the "People's Republic of Luhansk":

attacks on staff for the purpose of taking possession of a weapon, the release of certain prisoners and persons in detention;

the staff became the subject of violence, torture, xenophobia, offenses on grounds of ethnicity death threat to family members of staff

The above mentioned actions of unknown persons led to numerous deaths of staff and civilians. The Government is taking all possible steps to ensure rights and freedoms of all citizens of the Donbas and Luhansk region and is conducting investigation of all the facts of ill treatment, torture, abduction or death.

3 cases have been lodged by the Government to the ECHR against Russia mentioning each and every fact of their military activity on the territory of Ukraine with all necessary evidence.

Summing up the above said I want to underline the desire of the Ukrainian Government to cooperate with Committee, because its recommendations were always a roadmap for us in choosing the new methods of securing human rights. We believe that as soon as the act of aggression from our neighbor state will end we will be able to proceed with all the announced reforms effectively and rapidly.

Thank you for your attention