

Ukrainian Association of public human rights organisations

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To: **Secretariat of the Committee against Torture**  
Human Rights Treaties Division (HRTD)  
Office of the United Nations High Commissioner  
for Human Rights (OHCHR)  
Palais Wilson - 52, rue des Pâquis  
CH-1201 Geneva (Switzerland)

**Dear Colleagues,**

Hereby we would like to submit for your consideration the comments of the Ukrainian Helsinki Human Rights Union regarding the 6-th Periodic Report of Ukraine on the implementation of the UN Convention against Torture.

Attachment: 8 pages.

With best wishes,  
Executive Director



Arkady Bushchenko

**OHCHR REGISTRY**

**13 OCT 2014**

Recipients: CAI.....  
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**COMMENTS OF THE UKRAINIAN HELSINKI HUMAN RIGHTS UNION TO SIXTH PERIODIC  
REPORT OF UKRAINE ON COMPLIANCE WITH THE CONVENTION AGAINST TORTURE  
AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

**With regard to item 1 of the List of Issues sent to Ukraine for provision of her sixth periodic report (CAT/C/UKR/Q/6):**

Government has not taken steps to address deficiencies in her criminal law in terms of ensuring the accountability of law enforcement agencies, guilty of the use of torture.

Under the pretext of the humanization of criminal responsibility in 2008, the amendments were introduced in the Criminal Code, which almost completely emasculated the meaning of definition of "torture"; namely the provision was removed that any actions of this nature should be carried out by an official. Therefore, according to the current version of Art. 127 of the Criminal Code of Ukraine, the commitment of such acts by an officials (the Criminal Code of Ukraine uses this term) does not belong either to the category of aggravating circumstances, or even to the mandatory features of crime. This provision is contrary to Art. 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

In addition, Art. 127 of the Criminal Code of Ukraine envisages the direct commitment of the actions constituting torture, and the Convention also provides the commitment of such actions "at the instigation or with the consent or acquiescence" of a public officer or other person acting in official capacity. As we see, *the Convention provides wider range of illegal acts interpreted as "torture", and wider range of individuals who are subjects of the crime.*

The Ukrainian Government's Report provides that the crime of "torture committed by a public officer" is qualified now according to Part 1 of Article 127 of the Criminal Code (torture), but, as a rule, in conjunction with Part 1 Article 365 of the Criminal Code (abuse of power or authority) or Article 373 (coercion to testify), because this offence is committed by a public official at the course of the performance of his or her official duties. This allows the State to assert that "criminal liability for such offenses is accordingly increased."

However, this thesis is absolutely untrue. Firstly, criminal liability for abuse of authority or official powers under Art. 365 of the Criminal Code of Ukraine is applied *only to law enforcement officers*. So, the subjects of torture referred to in Art. 1 of the Convention – public officials or other persons that act in official capacity as representatives of the State, but do not belong to law enforcement authorities, can not be held liable under this provision. In addition, the Ukrainian legislation *does not provide criminal responsibility* of the officials who do not belong to law enforcement agencies, but who have committed the abuse of power or authority.

Secondly, in accordance with Articles 365 and 373 of the Criminal Code, criminal responsibility for the abuse of power or official authority or coercion to testify is applied to alleged perpetrators *only in the absence in their actions, accompanied with the use of violence or harassment of individuals, of the signs of torture.*

Third, in the sanctions envisaged in the first parts of these provisions, the maximum term of imprisonment is up to three years (Art. 373 of the Criminal Code) and five years (Arts. 127 and 365 of the Criminal Code). At the same time, the sanctions envisaged in the second parts of these articles (concerning aggravating circumstances) envisage the maximum term up to eight years (Arts. 364 and 373 of the Criminal Code) and ten years (Art. 127 of the Criminal Code). That is, a law enforcement officer who committed the abuse of power or official authority, accompanied by violence or the threat of violence, use of weapons or special tools, or painful and insulting the victim's dignity acts in the absence of signs of torture, is liable to more severe punishment than similar subject that has committed the same acts with signs of torture.

Thus, *law enforcement officials that committed the offence of torture, on the contrary, is liable to less serious punishment. And the officials of other agencies, with whose instigation, consent or acquiescence the torture is committed, are not subject to criminal liability at all.* Therefore, there is the urgent need to amend the Criminal Code in order to bring Art. 127 in accordance with Art. 1 of the Convention against Torture.

**With regard to item 2 of the List of Issues:**

The Ukrainian Government's Report *does not describe the measures taken by the State to ensure the factual access for all detainees to a doctor of their own choice.*

The human rights organization "Donetsk Memorial" notes that the situation with the provision of medical services to the prisoners in detention centers remains difficult. In particular, the joint order of the Ministry of Health and the State Penitentiary Department of 10 February 2012 (in the Government's Report this Order is incorrectly dated with 10 January) No. 239/5/104 approved the procedure of interaction of health care institutions of the Penitentiary Department with civil health care institutions for the provision of medical care to the persons taken into custody. This normative act regulates the implementation by the detained and convicted persons of their right to choose medical consultants and health facilities if prison hospital and penal institutions can not provide the appropriate level of medical service or carry out the necessary examination; besides, there exists the legal framework for involving foreign experts.

The practice of application of this regulation shows that prisoners often do not know about such opportunities and are deprived of the right to receive health care services. So, during 11 months of 2013, in five prisons with the capacity of more than 6.5 thousand people, no one prisoner turned with a request for the access to a medical specialist with the self-payment for services. ("Observation of the rights of prisoners in Ukraine - 2013", Report of "Donetsk Memorial", access mode: <http://ukrprison.org.ua/publication/1410110906>).

The systemic nature of the violations of this right is supported by annual disclosure and response to these facts at various levels. For example, the existence of this problem is indicated in such publications as "The prosecutor's office has punished 700 persons for human rights violations in custody" (Internet publication of "Bureau of Justice information", 26.03.2012. - Mode of access: <http://court.investigator.org.ua/index.php/2012/03/26/>); "During the monitoring visit to the Lviv region the mistreatment of detainees in penitentiaries was revealed" (*Lvovskaya gazeta*, 09.04.2013. - Access mode: <http://www.gazeta.lviv.ua/news/2013/04/09/9939>).

The violations of this right are also mentioned in the claims of the All-Ukrainian Network for legal assistance to people with HIV and drug addicts. In particular, in 2013 Igor Parfenyuk died in Kherson penal colony. He was seriously ill with HIV, hepatitis C, tuberculosis of both lungs and intestines. The colony's administration filed a motion for his early release on health grounds, so that he could obtain proper medical treatment, but the court refused to grant this request ("Courts deprived a person of the chance to survive", access mode: <http://www.ulaf.net.ua/index.php?id=1374236364>).

Another detainee, S.V. Antonov, a HIV patient also suffering from pulmonary tuberculosis, oropharyngeal candidiasis, chronic hepatitis C, was not given proper treatment in the Kiev detention center, and his health significantly deteriorated (rapid weight loss up to 20% , numerous unhealed ulcers on the face, head and body, hemorrhoids, scabies, diarrhea, and increasing pain in cervical, axillary and inguinal lymph nodes, severe shortness of breath, insomnia, nervous breakdown, and other symptoms). Only after lodging the appeal to the European Court of Human Rights in June 2013 the decision was taken to place him to the hospital recommended by medical experts, where the applicant got appropriate medical care and the course of necessary treatment.

In May 2014 the Shevchenkivskiy district court of Lviv considered the case against the police officers that arrested Mr. L., who suffered from hepatitis C and HIV, and then hold him in the police custody for a long time without legal registration, beat him and did not give him medicines ("In Lviv police officers were sentenced to real incarceration", access mode: <http://www.ulaf.net.ua/index.php?id=1401703785>).

Special attention to violations of this right, in particular regarding the participants of the protest actions detained from 30 November 2013 to 22 February 2014, is paid in the report of the Commissioner of the Supreme Council of Ukraine "Monitoring of penitentiary establishments in Ukraine: the situation with implementation of the national preventive mechanism for 2013" (access mode: [http://www.irf.ua/knowledgebase/publications/npm\\_2013/](http://www.irf.ua/knowledgebase/publications/npm_2013/)).

**With regard to item 3 of the List of Issues:**

*There is no information in the Ukrainian Government's Report about State resources for the provision of effective assistance to all victims of torture, as well as the measures taken to assess the necessary resources.* In 2013 public reception offices of the organizations that are part of the UHHRU, recorded 9144 complaints of human rights violations. Their results of their work show that during this period 210 complaints of torture and ill-treatment have been received; 162 – on the illegal arrest, detention, violations during the pre-trial investigation; 505 – on the abuses during judicial proceedings; and 254 - on the judicial red tape.

In general, according to KhHRPG and UHHRU, annually 800,000 victims in Ukraine need the protection from unlawful violence on the side of the police ("June 26 - International Day for the Protection of Victims of Torture", 23 June 2011, access mode: <http://maidanua.org/static/news/2011/1308829911.html>).

#### **With regard to items 36, 56-62 of Ukrainian Government's Report:**

Since 2011, Ukraine adopted a number of regulations aimed at the effective legal assistance to prisoners and all victims of torture (the Code of Criminal Procedure of Ukraine, the Ukrainian Laws "On Free Legal Aid" and "On Advocacy activities"). However, practice has shown that *legislative innovations did not lead to elimination of the facts of unjustified and prolonged detention.*

So, on 9 December 2013, the staff of the Office for Combating Organized Crime detained, on the far-fetched charges of attempted murder of a judge of the Shevchenkivskiy district court of Kiev, Victor Smaliy, the lawyer of Andrew Dzindzia, an activist of non-government initiative "Traffic Control". In this case, the officials violated the procedure of informing a lawyer on suspicion of having committed a criminal offense, since such information could be passed to him only by the General Prosecutor of Ukraine, his deputy or the prosecutor of Kiev. The procedure of taking a lawyer into custody, which can be made only by a court decision, was also violated. It is also noteworthy that during the detention the lawyer was severely beaten, and the Head of the Dneprovskiy District Militia Office (Kyiv) did not allow to hospitalize him, despite the recommendations of medics

As a result, in violation of the Code of Criminal Procedure and the Law "On Advocacy activities," lawyer Victor Smaliy was detained from 9 December 2013 to 23 February 2014 and was released only after the change of power in Ukraine ("Lawyer Victor Smaliy, who is accused in the attack on the judge, can face up to six years in prison", access mode: <http://inukrnews.com/politics/pnews/18240-advokatu-viktoru-smaliyu-kotorogo-obvinyayut-v-napadenii-na-sudyu-grozit-do-6-let-lisheniya-svobody.html>; "Victor Smaliy: After beating me to a pulp, he officer of special unit... has apologized: 'We were told to hold you severely'", access mode: [akty.ua/178238-viktor-smalij-izbiv-menya-do-polusmert-i-specnazovec-izvinilsya-nam-skazalizaderzhat-tebya-zhestko-kak-osobo-opasnogo-prestupnika](http://akty.ua/178238-viktor-smalij-izbiv-menya-do-polusmert-i-specnazovec-izvinilsya-nam-skazalizaderzhat-tebya-zhestko-kak-osobo-opasnogo-prestupnika); "The court refused to consider Smaliy's appeal" (access mode: <http://gordonua.com/news/maidan/Sud-otkazalsya-rassmatrivat-apellyaciyu-Smaliya-8260.html>).

#### **With regard to item 4 of the List of Issues:**

The reform of the organs of criminal justice and law-enforcing organs in 2008 did not meet the standards of the Council of Europe, and, therefore, in summer 2014 this issue was raised again. *The role and functions of the Prosecutor's Office (primarily in terms of general supervision) are not changed until now.* The "Reform Strategy-2020", represented by Ukrainian President Poroshenko, also does not contain the answer to the question about the future of the prosecutor's office. The Strategy points out the reform of law enforcing organs as one of the priority measures, but it is not clear whether it includes the reform of the prosecutor's office, as the text mentions police and prosecutors as separate categories ("The President introduced the "Reform Strategy 2020": The goal of the reforms - EU membership", 25 September 2014, access mode: <http://www.president.gov.ua/ru/news/31289.html>).

#### **With regard to item 7 of the List of Issues:**

In connection with the annexation of Crimea and military conflict in Eastern Ukraine, there appeared the question of the legal status and protection of inhabitants of these regions, who were forced to flee their homes. However, to date *the State have not approved the procedures related to the protection of the rights of*

*the inhabitants of the Crimea, Donetsk and Lugansk regions, which left the territory of their residence after the occupation of the ARC or the beginning of the ATO. As a result, these groups of people, according to the operating law, can not be recognized as refugees or persons in need of subsidiary or temporary protection.*

It should be said that on 23 September 2014 the Verkhovna Rada of Ukraine registered a draft law (№5104) amending the Law of Ukraine "On refugees and persons in need of subsidiary or temporary protection" designed to protect the citizens of Ukraine during the armed conflict. However, this law draft does not provide additional guarantees, nor does it contain confirmation on the existing safeguards against all forms of ill-treatment of internally displaced persons. This aspect is important, given the scale of the necessary State actions for the establishment and investigation of the facts of terrorism and torture, as well as prosecution of the perpetrators.

**With regard to item 11 of the List of Issues:**

It is desirable to supplement paragraph 131 of the Ukrainian Government's Report with the data for 2012-2014 on extradition of detainees. Here are the most resonant and controversial examples:

- 2010 - extradition to Russia of the detained in the case of the massacre in the village Kushchevskaya, Kuban. The level of responsibility of Ukrainian officials, stated in the report, is doubtful, because after this extradition in 2011 Sergey Karpenko hanged himself as a result of torture in the detention center in Vladikavkaz; and Igor Chernykh and Sergei Tsapok – in the Krasnodar detention center in 2014;

- 2012 - Ilya Pyanzin, the suspect of plotting the assassination of the Russian President Putin was extradited to Russia for criminal responsibility for the commission of especially serious crimes on the territory of this country. Appellation to the ECHR of the second detainee, Adam Osmaev, suspended the extradition. Only on 15 August 2014 the General Prosecutor canceled its decision to extradite him to Russia.

**With regard to item 14 of the List of Issues:**

The text, set out in paragraph 132 of the Ukrainian's Government Report, does not constitute a response to the question about the new rules, instructions, methods and practices in connection with interrogations and the rules of detention. *This may evidence of the lack of interest of Ukraine as a State Party to the Convention in preventing any cases of torture of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction.*

**With regard to item 13 of the List of Issues and items 133-145 of Government's Report:**

The Government's report lacks answers to item 13b of the List of Issues, on the actions taken for adequate training of the medical staff working with persons in custody, on matters relating to detect signs of torture and ill-treatment in accordance with international standards, according to the Istanbul protocol.

It is also not indicated whether Ukraine, as a State Party, has developed and applies the methodology for evaluation and implementation of her training programs, as well as their effectiveness and impact on the reduction of cases of torture and ill-treatment (item 13c of the List of Issues).

**With regard to item 16 of the List of Issues:**

The human rights organization "Donetsk Memorial", analyzing massive and serious human rights violations by law enforcing organs in late 2013 - early 2014, during the events on Maydan, in the form of severe beatings and, later, the murder of peaceful demonstrators, acknowledged that *all governmental preventive measures on prohibition of ill-treatment were scanty, ineffective, and in fact only simulated the fight against torture, while in reality the police acted inappropriately severely, and, what is most important, without any unpleasant consequences for those who applied the cruel treatment* ("Respect for prisoners' rights in Ukraine - 2013", report of "Donetsk Memorial", access mode: <http://ukrprison.org.ua/publication/1410110906>).

**With regard to item 16a of the List of Issues:**

"Donetsk Memorial" notes that the *Penitentiary Department of Ukraine, contrary to the Ukrainian Constitution, continued to use special forces (anti-terrorism)*, belonging to the Penitentiary Department, to carry out a number of measures in the institutions belonging to the system: 253 cases in 2010, and 306 cases in 2011. "Regulations on territorial (interregional) paramilitary forces of the State Penitentiary Department of Ukraine", adopted by the Order of 3 July 2013, contains the same drawbacks as the previous one, abolished in 2008, in particular, the possibility of participation of paramilitary forces in searches ("Observance of prisoners' rights in Ukraine - 2013" report of "Donetsk memorial", access mode: <http://ukrprison.org.ua/publication/1410110906>).

**With regard to item 16b of the List of Issues:**

The analysis of jurisprudence as to bringing to responsibility those responsible for torture and ill-treatment, shows that in such criminal cases the sentences, mainly, were imposed in 5-6 years after the crime. In this case, the sentence of imprisonment was imposed on the most of the accused without a real serving of sentence, or the cases were closed due to the lapse of time. This testifies to the *slowness and inefficiency of the investigation into allegations of torture and ill-treatment, as well as of non-compliance of severity of the offense and the severity of punishment*.

**With regard to item 17 of the List of Issues:**

According to the "Donetsk Memorial", the reports on ill-treatment are usually checked formally by the prosecutor's office, and the victims virtually have no access to the materials of these checks. As a result, it is almost impossible to verify the integrity and diligence of these checks, and to challenge them effectively. "Donetsk Memorial" notes many cases, where the courts have canceled the decisions of the prosecutor's office on the refusal to initiate criminal proceedings in the cases of ill-treatment, but the prosecutor's office "did not find" the violations and continued to refuse to initiate a criminal case.

The *lack of an effective and independent investigation into allegations of torture and ill-treatment in the course of criminal investigation* is also confirmed by closeness of this sector of procedural actions to public scrutiny; the absence of other legal mechanisms for identification and investigations of such abuses; ignoring by courts of statements of the victims of ill-treatment and the requirement to prove such treatment, which is contrary to the European requirement to demand from the police the evidence of the absence of such ill-treatment and torture (the European Court's case *Ribitsch v. Austria*) ("Observation of the rights of prisoners in Ukraine - 2013", report of "Donetsk Memorial", access mode: <http://ukrprison.org.ua/publication/1410110906>).

**With regard to item 19 of the List of Issues:**

In response to a question concerning deaths in custody, the Ukrainian Government in its Report, for an unknown reason, cited the statistics only for the first six months of 2011 and 2012, which may create the illusion of relative prosperity in this area. The systematic analysis, conducted by "Donetsk Memorial", of the statistics of morbidity and mortality in penitentiary establishments in 2003 - 2013 years shows that the *governmental data on mortality reduction for the arbitrarily chosen period do not show the real picture, because they are taken out of context and do not take into account the changes in the number of prisoners*. In this case it would be more correct to compare the mortality rate per 1 thousand of prisoners for a longer period (Table. 1).

Table 1

**Morbidity and mortality in penitentiaries**

	2003	2008	2009	2010	2011	2012	2013
<b>Number of people in penitentiaries</b>	191677	145946	147716	154027	154029	147112	126937
<b>Died</b>	824	765	761	808	1169	1021	911

<b>Per 1 thousand prisoners</b>	4,30	5,24	5,15	5,25	7,59	6,94	7,18
<b>Suicides</b>	41	40	44	44	59	65	84
<b>Per 1 thousand prisoners</b>	0,21	0,27	0,30	0,29	0,383	0,442	0,662

These figures show that in 2013 there was an extremely high mortality rate: 911 deaths, including 144 in the detention centers. Although this absolute number is less than in 2012, when 1021 detained have died, but, if to calculate per 1 thousand of prisoners, in 2013 the number of the perished was more than in the previous year (7.18 vs. 6.94). This level is 51% higher than in 2006 - 2007.

If before 2010 year there were 40 - 44 cases of suicide among the convicted, in 2013 their number was remarkable – 84 cases, 14 of which – in the detention centers. In the past three years, there was the spike of the number of suicides in colonies – from 10% to 30% annually, and, per 1 thousand of prisoners, even more – from 15% to 50%. If to compare the data for 2013 with 2008-2010, the growth is 91% and 130%, respectively.

Among the possible causes of increased mortality in the institutions of the State Penitentiary Department there are poor medical aid or even a denial of medical aid; mistreatment by the staff of prison hospitals; frequent and unjustified refusal of courts to release convicted because of disease ("Observation of the rights of prisoners in Ukraine - 2013", report of "Donetsk Memorial", access mode: <http://ukrprison.org.ua/publication/1410110906>).

**With regard to item 20 of the List of Issues:**

*The existing system of providing aid, rehabilitation and compensation for the victims of human trafficking, domestic violence and other sexual violence does not meet the current needs:*

- Although it is provided to create the sufficient number of various public services and organizations that should be responsible for providing various services for the prevention of domestic violence in Ukraine, their real scale is inadequate;

- There is no coordinated, on the normative and operational levels, mechanism of cooperation between the authorities and institutions responsible for combating domestic violence. There is no clear and unambiguous definition of the algorithm of interagency cooperation, including the obtaining of information from the national hotline on combating domestic violence, local hotlines, etc.;

- The number of specialized institutions for the perpetrators of domestic violence, and victims of domestic violence is insufficient. According to the recommendations of the Council of Europe, the optimal coverage only by special establishments for temporary residence of victims of domestic violence (shelters) constitutes one place for 7.5 thousands of population (minimum standard - one place for 10 thousands of population). Thus, at least 4,600 shelters (6135 optimally) must work in Ukraine;

- The compensation for moral damage to the victims of the administrative offense of domestic violence is not considered and is not provided (court decisions even do not indicate the need to apologize to a victim); in criminal cases the pecuniary damage is claimed in about 12% of cases;

- The reference to the paragraph 251 of the Government's Report to receiving, in 2010, of the consulting services by 1085 victims of trafficking in the form of reintegration assistance is incorrect because this term refers to the "repeated including of the person into the group or process";

- The majority of officers of the neighborhood police and criminal police in charge of children do not have the necessary knowledge of forms and methods of individual preventive work, which leads to real lack of such activity on their part.

**With regard to item 23 of the List of Issues:**

The human rights organization "Donetsk Memorial" draws attention to *the inadequacy of progress in improving the conditions of detention and the use of alternative sanctions:*

- New internal regulations for detention centers of the State Penitentiary Department (Order № 460/5) did not lift the ban on products that are perishable and need to be stored in special conditions (instead of allowing refrigerators in the cells), and the prohibition for products that require additional preparation by heat processing (which formally excludes the delivery of pasta, cereals, vegetables, etc..)

- The draft of the Law of Ukraine "On Probation", submitted to the Parliament in 2008 (registration No. 3412), virtually had no progress during six years: in 2014 it had been considered in the first reading and had been severely criticized by experts as poorly elaborated;

- The release on parole is still the procedure with very high corruption risk, since, in fact, the decision on the application of the release on parole is taken by administration of penitentiary establishment, but not a court. So, in 2013 the release on parole was applied to 21639 persons or 47.3% of those who had the right to it. Annually, the administration of colonies denies the release on parole to more than 20 thousand prisoners. This is facilitated by the practice, according to which the staff of colony administration can be punished only for the fact that a court denied the release on parole on the basis of prisoner's file. So, the workers of colonies refuse to send prisoners' documents to court, if there is even a small probability of court's refusal to release on parole;

- Resolution of the Cabinet of Ministers of 29 April 2013 No. 345 approved the State program of reforming the State Penitentiary Department of Ukraine for 2013-2017 (hereinafter – the Program). Although experts pointed out its imperfection (because of the absence of solution of such problems as the introduction of the system of filing complaints, normal correspondence, prohibition of free labor and other problems of human rights), the program aimed to improve the detention conditions and to create the conditions for providing modern medical care, the introduction of new methods of socio-pedagogical support and socio-psychological support of convicts. The attentive study of the content of the program shows that, in fact, the priorities of the Program are different from the declared ones. The Program does not even mention the recommendations of the European Committee for the Prevention of Torture and the European Prison Rules. Obviously, the Program does not provide measures addressing such issues as the introduction of the system of filing complaints, normal correspondence, the prohibition of free labor (which is common now) and other human rights issues. However, the Resolution of Cabinet of Ministers of Ukraine No. 71 of 5 March 2014 "Some issues of optimization of the State special programs and national projects, budget savings and repeal of certain acts of the Cabinet of Ministers of Ukraine" prematurely terminated its execution;

- The extremely harsh conditions of detention for life prisoners remain unchanged: long visits are prohibited; short visits are conducted only through the glass; these individuals are driven from their cells only handcuffed and accompanied by a warden with a dog; they cannot work; they can walk only for one hour a day; the food is served to them only on the plastic dishes;

- There are no practical results of the work of the Interdepartmental Working Group created in 2010, concerning the implementation of measures for the transfer of institutions and detention centers outside the central parts of cities;

- The problems of prisoners with disabilities remain unsolved: in the only specialized establishment for the detention of the disabled prisoners only one tenth of those classified as disabled is held. In particular, the specific needs of such prisoners are: problems with prosthetics; discrepancy of sanitary conditions of prisoners to their needs; State support for persons recognized as disabled during the imprisonment is provided only after their release; there are unresolved questions concerning the detention of persons with disabilities in the detention centers; there is the problem concerning the procedure of acknowledgement of prisoners' disability;

- The allocated resources and State attention to the issues of social rehabilitation and settlement of persons released from prison are insufficient. Among the main problems there are the lack of housing and employment for the released persons ("Prisoners' rights in Ukraine - 2013", report of "Donetsk Memorial, access mode: <http://ukrprison.org.ua/publication/1410110906>).

**With regard to item 24 of the List of Issues:**

In addition to the actions proposed in the comments of the UHUR to item 20 of the List of Issues, for the prevention of violence against women and children by the State, *the following steps are necessary:*

- Ratification of the European Convention on preventing and combating violence against women and domestic violence, which was signed on behalf of Ukraine as early as on 7 November 2011;



- Certification and approval of the correctional programs for work with perpetrators of domestic violence;
- Creation of proper number of centers, where the perpetrators of domestic violence will undergo the correction programs, and the centers for rehabilitation of their victims.

**With regard to item 32 of the List of Issues:**

The State did not take any comprehensive measures to develop a legal definition of actions committed by terrorists or the supporters of armed conflict with governmental authorities, as well as the algorithm of the measures taken by the State, depending on the type of such actions. There is no clear and accessible framework for information policy, giving clear public understanding of the limitations of the rights which are used or can be used by the State in connection with the situations related to terrorism or the threat of military actions.