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The Universal Human Rights Protection and Eastern Europe: Ukraine

■ **ABSTRACT:** *The process of implementation of international human rights standards in Ukraine, in particular in the context of cooperation with the United Nations is examined. The article makes a significant contribution to the research of the process of integrating international standards into Ukraine's legal system and provides recommendations for improving national legislation to ensure effective human rights protection. Particular attention is paid to the historical development of human rights in Ukraine, from Kyivska Rus to the present. The author provides a detailed analysis of the process of integrating major international human rights conventions into Ukrainian legislation, including the International Covenant on Economic, Social and Cultural Rights the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and others. The efforts made by Ukraine to align its national legislation with international standards are described, as well as the establishment of specialised bodies for monitoring human rights compliance. The author analyses Ukraine's relations with the United Nations in the field of human rights, in particular through the mechanisms of the United Nations. The challenges related to human rights violations in the temporarily occupied territories and the problems encountered when filing cases with UN monitoring bodies are considered.*

■ **KEYWORDS:** *human rights development, the UN human rights conventions, human rights monitoring, the UN Human Rights Committee, the United Nations High Commissioner for Human Rights, legislative process in Ukraine*

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1. The historical development of human rights in Ukraine: introductory thoughts

Ukraine has a multilayered history that has had a significant impact on the development of the concept of human rights. In order to analyse the current challenges faced by the state in the field of human rights protection, it is necessary to study the historical experience of shaping state approaches to regulating this area.

A key role in shaping early ideas about human rights was played by Kyivska Rus, which is one of the oldest states in the territory of modern Ukraine. The adoption of Christianity in 988 under Prince Volodymyr the Great was an important turning point in the development of public morality and legal norms. The Christian faith, brought from Byzantium, influenced the formation of ideas about justice, mercy and equality before God, which became the basis for understanding moral obligations and human rights.

Byzantine law, which was partially adopted by the princes of Kyivska Rus, was focused on maintaining social stability and ensuring justice. The principles of equality before the law and protection of the weak were enshrined in numerous legal acts, such as the *Ruska Pravda*, which was the first written code of law in Kyivska Rus. This code provided for the protection of property rights, regulated family relations and punished crimes, reflecting the first attempts to establish law and order on the basis of morality and justice.

Ruska Pravda was a set of legal norms that regulated the relationship between the Prince, who acted as the highest judicial authority (personally or through his administration), and individual citizens who represented the interests of their clan, community, family, i.e. the community to which they belonged. And such a community was given the opportunity to ensure that the rights of its representatives were not violated during the trial.

The main difference between the collective and the legal norms of previous centuries was that most legal norms were established in accordance with the canons of the Christian faith. First of all, this was manifested in the fact that *Ruska Pravda* significantly limited the possibility of using the principle of thalion, or blood revenge, and condemned methods of resolving judicial disputes with the help of uncontrolled violence ('whoever has the sharper sword wins'). This collection of laws had a huge impact on the society of that time in the moral sphere, as it limited violence, and the deprivation of human life by a human being was prohibited by both the church and the law.¹

The Mongol invasion in the thirteenth century was one of the most destructive episodes in the history of Ukraine, which had a significant impact on the situation of the local population and the development of the legal system. The

¹ Paidá, 2017, p. 16.

conquest of Kyivska Rus by the Mongols led to the decline of towns and villages, the destruction of the economy, and the depopulation of large areas.

For non-payment of tribute, Tatar representatives sold people into slavery. Only the clergy were exempt from paying tribute. Many artisans were taken to the Golden Horde and forced to work for the khans. Towns and villages were burned and destroyed, and many people were killed or taken prisoner. The country's economic and political development slowed down.²

The absence of a centralised government and constant military attacks forced the local population to seek protection in new political formations. In the western lands, particularly in Galicia and Volhynia, the role of Lithuania began to grow, gradually becoming the dominant force in the region. As a result of the Lithuanian-Rusian Union, many Ukrainian lands became part of the Grand Duchy of Lithuania. Ensuring a certain legal stability and protection of the rights of the population, lawmaking had peculiarities that manifested themselves in two main areas: a) amendments to existing Ruthenian sources (collections) of law; b) creation of new legislative acts. Changes in the law were caused by the evolution of socio-economic relations and peculiarities of socio-political development of the Galicia-Volhynia principality.³

The greatest achievement in the process of systematisation of law in the Grand Duchy of Lithuania was the compilation of the Lithuanian Statutes in the 16th century. The Lithuanian Statute of 1529 contained provisions of civil, land, state, criminal and other branches of law. It enshrined the rights of the gentry, which it received by granting privileges, and levelled the gentry into a single class. At the same time, this codified act ensured some rights of peasants, including the right to own land. The First Lithuanian Statute stated that the law was the same for everyone, which was a very progressive principle in Europe at the time.

The Lithuanian Statute of 1566 consisted of 14 chapters and 367 articles. The first section contained provisions that proclaimed the basic principles of Lithuanian-Russian law and the rules of state law; the second section contained rules on military service; the third section contained the rights and privileges of the nobility; the fourth section dealt with the organisation of the judicial branch of power; the fifth dealt with family law; the sixth with guardianship law; the seventh with contract law; the eighth with inheritance law; the ninth with the legal regulation of land disputes; the tenth with forestry and hunting law. The last four chapters established the rules of criminal liability, namely: the eleventh chapter covering violence and crimes against the nobility, the twelfth chapter covering crimes against commoners, the thirteenth chapter covering property crimes, and the fourteenth chapter covering other crimes.⁴

2 The Mongol-Tatar invasion of Ukraine in the 13th century.

3 Zabzalyuk et al., 2021, p. 227.

4 Atamanova, 2014, p. 22.

With the establishment of the Polish-Lithuanian Commonwealth in 1569, after the Union of Lublin, a significant part of Ukrainian lands came under Polish rule. The main state and legal significance of the Lithuanian Statute of 1588 was that it legally formalised the preservation of the Grand Duchy of Lithuania as an independent state, despite the act of the Union of Lublin. Structurally, the Lithuanian Statute of 1588 consisted of 14 sections, which contained 487 articles. The first section included provisions of various nature, which can be divided into two groups: provisions relating to the basic provisions and provisions defining the punishment for state crimes. The second section covered the rules that regulated the performance of military duty by the nobility. The third section set out the rules of state law. The ruling class was forced to make concessions to ordinary people. Thus, the Lithuanian Statute of 1588 included an article on the criminal liability of a nobleman for the murder of a commoner.⁵

At the same time, these territories were gradually integrating Western European legal traditions, in particular Magdeburg law, which gave cities a certain degree of autonomy and self-government. In the Ukrainian lands, unlike in Western Europe, Magdeburg law did not completely free cities from feudal dependence; sometimes it was intertwined with customary law. In some cities, particularly in western Ukraine, the introduction of Magdeburg Law was accompanied by increased German and Polish colonisation and restrictions on the rights of the Ukrainian population. In general, the part of Magdeburg law that helped to organise the system of self-government in Ukraine was enforced.⁶

The liberation war of the Ukrainian people against the Polish-Lithuanian Commonwealth in 1648-1654 brought about significant changes in the development of law in Ukraine. Most of the sources of law that had functioned in Ukraine during the period of its stay as part of noble Poland were abolished in the liberated lands. After the national liberation war of the Ukrainian people, the very essence of law changed, and new norms emerged. This primarily concerned the issues of land ownership and possession, class affiliation, Cossack self-government, and the scope of peasants' freedoms.⁷

The Hetmanate, which was formed on the Left Bank of Ukraine, was in fact an autonomous Cossack republic with its own system of government and justice. One of the main features of Cossack rule was the functioning of an elected system where Cossacks could elect their leaders – hetmans, colonels and other officials. Although this system was far from modern democratic standards, it gave the Cossacks a voice in matters of governance and preservation of their rights. Cossack customs, including the right to protect their lands and property, ensured a certain level of personal freedom and security.

5 Zabzalyuk et al., 2021, p. 252.

6 Kyrychenko, 2011, p. 363.

7 Matveyeva, 2022, p. 37.

The division of Ukraine between the Russian Empire and Austria-Hungary in the eighteenth century had a significant impact on the development of human rights in these territories. One of the tasks of the Russian authorities was to take measures to carefully and systematically destroy the rights and freedoms of Ukrainians and prepare the population for the all-Russian system. An important step towards preparing for the complete enslavement of the Ukrainian peasantry was the General Inventory of 1765-1769. By her decree of 3rd May 1783, Catherine II legally established serfdom on the Left Bank and Slobozhanshchyna. Peasants were forbidden to move from one landowner to another⁸. This was one of the worst practices of this period, which deprived peasants of basic rights and freedoms, made the majority of the population dependent on landlords, and limited opportunities for economic and social development.

In Austria-Hungary, the situation was somewhat different. Although Ukrainians in Galicia and Bukovina were also under the rule of the empire, they retained a certain degree of cultural and national autonomy. The introduction of educational reforms and the development of the Ukrainian language and literature contributed to the formation of national consciousness. In addition, these lands were subject to Austrian law, which guaranteed certain rights and freedoms, including freedom of speech and assembly. The Austro-Hungarian Constitution of 21st December 1867 stipulated that Austrian citizens had the right to freedom of choice of profession and professional education. The basic law proclaimed the freedom of assembly and the organisation of political and public associations.⁹

After the establishment of Soviet rule in Ukraine in the early twentieth century, the country entered a new stage of its history marked by serious restrictions on human rights. The totalitarian regime established in the Soviet Union systematically suppressed any manifestations of opposition, freedom of speech, religion and assembly. One of the most brutal episodes of this period was the Holodomor of 1932-1933, which was the result of a policy of forced collectivisation and repression of the Ukrainian peasantry. Millions of people died, and it became one of the largest humanitarian disasters in the history of Ukraine.

The repression continued in the form of mass arrests, deportations and executions as part of Stalin's purges. Intellectuals, religious leaders, nationalists and other categories of the population were persecuted. Between 1933 and 1941, the occupying Russian authorities killed and arrested 80% of the Ukrainian intelligentsia: engineers, scientists, writers, doctors, and teachers. Almost everything that reflected the original features of the Ukrainian phonetic and morphological system was removed from Ukrainian spelling.¹⁰ The constitutional rights pro-

8 Stepanchuk, 2009, p. 241.

9 Makarchuk and Korytko, 2013, p. 83.

10 Nagornyak, 2020, p. 136.

claimed in Soviet documents were not respected in practice, and the judicial system became an instrument of political terror.

In the post-war period, the situation improved somewhat, but the main restrictions remained in place. Even during the 1950s and 1960s, when some reforms took place, the rights and freedoms of citizens remained strictly controlled by the state. The dissident movement that emerged in Ukraine in the 1960s and 1970s was aimed at fighting for human rights, but its members faced severe repression.

Gaining independence in 1991 opened a new chapter in Ukraine's history, when the country committed itself to international human rights standards. The adoption of the Constitution of Ukraine in 1996 was an important step towards ensuring the rights and freedoms of citizens. Basic law enshrined fundamental human rights, such as the right to life, liberty, security of person, freedom of speech and religion.¹¹

Ukraine has also acceded to a number of international treaties and conventions aimed at protecting human rights. International organisations have played an important role in this process, supporting Ukraine in implementing reforms.

2. The relationship between Ukraine and the UN from a human rights perspective

After gaining independence in 1991, Ukraine integrated into the system of international relations, and the United Nations became one of its key partners. Ukraine's cooperation with the UN in the field of human rights includes its participation in the UN General Assembly, the UN Human Rights Council and other bodies.

The UN General Assembly is the central forum for discussing human rights issues, and Ukraine regularly participates in these discussions, presenting its positions. Ukrainian diplomacy actively uses this platform to draw the attention of the international community to the challenges facing the country, in particular in the context of human rights violations in the occupied territories.

On 19th December 2023, the UN General Assembly adopted an updated resolution on the 'Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine', with 78 votes in favour.¹² The resolution condemned Russia's continued disregard for international human rights law and international humanitarian law, the illegal detention of Ukrainian

¹¹ Constitution of Ukraine, 1996.

¹² The Media Initiative for Human Rights, 2023.

civilians, the use of torture and ill-treatment, and the discrimination against residents of the temporarily occupied territories.¹³

Ukraine's cooperation with the UN High Commissioner for Human Rights and the Office of the High Commissioner should be highlighted separately. The UN High Commissioner for Human Rights is the main official responsible for coordinating all human rights activities within the UN.¹⁴ In the framework of Interactive Dialogues with the UN High Commissioner for Human Rights, based on the reports on the situation in Ukraine prepared by his Office, the human rights situation in Ukraine is considered, with a special focus on the territories of Ukraine temporarily occupied by the Russian Federation.

On 31st July 2014, the Government of Ukraine and the Office of the United Nations High Commissioner for Human Rights signed an Agreement on the deployment of a short-term UN Human Rights Monitoring Mission to Ukraine.

The UN Human Rights Monitoring Mission in Ukraine (HRMMU) monitors and publicly reports on the human rights situation in the country with the aim of strengthening human rights protection, fostering access to justice, and ensuring that perpetrators of human rights violations are held to account. Since the start of the armed attack by the Russian Federation against Ukraine on 24th February 2022, HRMMU's work has focused on documenting violations of international human rights law and international humanitarian law committed by all parties to the conflict.¹⁵

Based on the results of the work of the United Nations Human Rights Monitoring Mission in Ukraine from 24th February to 15th May 2022, the Office of the United Nations High Commissioner for Human Rights published a report entitled 'The situation of human rights in Ukraine in the context of the armed attack by the Russian Federation'. It states that the armed attack by the Russian Federation on Ukraine led to a serious deterioration in the human rights situation in the country: with thousands of killed and wounded civilians, the massive destruction of civilian infrastructure and housing, arbitrary detentions and enforced disappearances, torture and ill-treatment, and conflict-related sexual violence.¹⁶

Between 24th February 2022 and 23rd May 2023, the UN Human Rights Monitoring Mission in Ukraine documented the execution of 77 Ukrainian civilians during their arbitrary detention by the Russian occupiers. The Russian armed forces, law enforcement agencies and penitentiary authorities have widely used torture and the ill-treatment of detained civilians.¹⁷

Ukraine's active cooperation with the UN is also carried out within the framework of the UN Human Rights Council, which demonstrates its commitment

13 Ministry of Foreign Affairs of Ukraine, 2023.

14 The Office of the High Commissioner for Human Rights, 2022.

15 The Office of the High Commissioner for Human Rights, 2022.

16 Legal Practice, 2022.

17 Interfax News Agency, 2023.

to adhere to international standards in this area. Ukraine has been elected as a member of the UN Human Rights Council and advocates for strengthening the Council's role in ensuring the protection of human rights at a global level, including by expanding the mandate of special rapporteurs and investigative missions.

Since 2010, Ukraine has been consistently and regularly promoting the Council's initiative on the role of the prevention of human rights violations, with the dedicated support of the core group of States. Relevant HRC resolutions 'Role of prevention in the promotion and protection of human rights' (14/5 from 17th June 2010, 18/13 from 29th September 2011, 24/16 from 27th September 2013 and 33/6 from 22nd September 2016) were adopted by consensus.¹⁸

On 12th May 2022, a 34th special session of the Human Rights Council on the deteriorating human rights situation in Ukraine stemming from the Russian aggression was held. The Human Rights Council strongly condemned the reported violations and abuses of human rights and serious violations of international humanitarian law, documented by the High Commissioner, that were committed in the areas of Kyiv, Chernihiv, Kharkiv and Sumy regions under the control of Russian armed forces in late February and March 2022.¹⁹

Ukraine actively cooperates with special rapporteurs and other mechanisms, such as human rights monitoring missions. For example, the UN sends missions to Ukraine to monitor the human rights situation, especially in the context of the conflict in the east of the country. These missions provide objective assessments of the situation and formulate recommendations for the government of Ukraine.

In 2022, the UN Human Rights Council established the Independent International Commission of Inquiry on Ukraine to investigate all alleged human rights violations and abuses and violations of international humanitarian law and related crimes in the context of Russia's aggression against Ukraine. Based on its investigations, the Independent International Commission of Inquiry on Ukraine has found reasonable grounds to conclude that an array of war crimes, violations of human rights and international humanitarian law have been committed in Ukraine.²⁰

It is important to note that the UN Human Rights Council has created a unique mechanism for peer review of each UN member state every 4.5 years, which is the Universal Periodic Review. Ukraine regularly submits national reports under this mechanism, detailing its human rights record, describing measures taken to improve the situation, and responding to recommendations received from other member states. National reports allow Ukraine not only to report on its achievements, but also to identify problems that require attention.

18 Permanent Mission of Ukraine to the UN Office and other International Organizations in Geneva, 2012.

19 General Assembly, 2022.

20 United Nations in Ukraine, 2022.

Ukrainian scholars are actively analysing relations between Ukraine and the United Nations in the context of human rights. Researches often focus on the effectiveness of international human rights mechanisms, Ukraine's role in the international legal system, and the implementation of UN recommendations in national legislation. Researcher S. Kravchuk draws attention to the fact that the human rights situation is steadily deteriorating in the regions of Ukraine that are not controlled by the Ukrainian authorities. In Crimea, Donetsk and Luhansk regions, gross human rights violations, such as abductions and torture, are no longer limited to activists, journalists and politicians, but are used by armed men against the population of the region as a whole.²¹ Researcher A. Ryzhova emphasises that human and civil rights and freedoms are guaranteed by international agreements and treaties, and customary law, which apply in any case in peace and in war. According to this law, the Russian Federation is obliged under international law to comply with its obligations under international human rights laws in the cities that are temporarily occupied, but this is not what is actually taking place. The Russian Federation is ruthlessly violating the right of Ukrainians to life, liberty, security and safety.²²

Despite these challenges, there appear to be prospects for further cooperation between Ukraine and the UN in the field of human rights. Ukraine could benefit from international support for reforms. Post-war reconstruction also opens up new opportunities for cooperation with the UN in the context of human rights, integration into European structures and strengthening the role of civil society.

3. The UN Human Rights Treaties to which Ukraine is a state party

The United Nations conventions to which Ukraine is a party play an important role in shaping Ukraine's national legal system in the context of human rights and social justice. They set standards that oblige the state to ensure the observance of rights at the national level and implement relevant policies and legislative reforms.

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol define international standards for the protection of refugees. The main obligations of Ukraine as a state party to the Convention are to ensure access to safe haven for persons who meet the definition of a refugee, to guarantee that refugees will not be returned to countries where their life or freedom would be threatened, and to provide legal status that allows refugees to enjoy basic rights.

21 Kravchuk, 2022, p. 92.

22 Ryzhova, 2022, p. 102.

The 1965 Convention on the Elimination of All Forms of Racial Discrimination prohibits all forms of racial discrimination and obliges States Parties to take measures to eliminate it at national level. Ukraine, as a state party to the Convention, implements policies to combat discrimination on the basis of race, ensuring equal rights for all citizens.

The 1966 International Covenant on Civil and Political Rights guarantees fundamental civil and political rights, such as the right to life, freedom of thought, speech and religion, and the right to a fair trial. Ukraine, as a state party to the International Covenant, undertakes to ensure these rights in its territory.

The 1966 International Covenant on Economic, Social and Cultural Rights defines economic, social and cultural rights, including the right to work, education, health care and social protection. Ukraine, as a State Party to the International Covenant, is working to guarantee these rights through national policies and reforms.

The 1979 Convention on the Elimination of All Forms of Discrimination against Women aims to eliminate discrimination against women in all spheres of life. Ukraine, as a state party to the Convention, pursues a gender policy and implements measures to ensure women's equal access to employment, education and social benefits.

The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits torture and inhuman treatment by the state. As a state party to the Convention, Ukraine takes measures to prevent torture and protect the rights of victims.

The 1989 Convention on the Rights of the Child defines the rights of children to education, health care, protection from violence and exploitation. Ukraine, as a state party to the Convention, pursues a policy of protecting children's rights, including creating conditions for their development and education.

The 2006 Convention on the Rights of Persons with Disabilities ensures equal rights for persons with disabilities, including access to education, employment, healthcare and other public services. As a State Party to the Convention, Ukraine is working to ensure barrier-free access for people with disabilities and their integration into society.

4. National implementation of the UN Human Rights Treaties

After Ukraine declared its independence in 1991, the country embarked on a course of international integration and membership in various international organisations, which required the adaptation of its domestic legislation to international standards.

One of these important steps was the accession to the 1951 Convention relating to the Status of Refugees²³, which is the main international instrument in the field of refugee protection. After the collapse of the Soviet Union and the growing number of asylum seekers due to political, economic and social upheavals, the refugee issue became particularly relevant for Ukraine. The adoption of the first Law of Ukraine 'On Refugees'²⁴ in 1993 was an important preliminary step towards accession to the Convention. This law regulated the granting of asylum, defined the status of refugees, their rights and obligations, and established mechanisms for reviewing applications for refugee status. The law has been updated several times, including in 2001, to bring it in line with international standards prior to official accession to the Convention.

On 10th January 2002, Ukraine officially acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. This was the result of Ukraine's international obligations as a UN member state and its desire to ensure the protection of asylum seekers on its territory.

Ukraine, as part of the USSR, ratified the 1966 International Covenant on Civil and Political Rights²⁵ on 19th October 1973. Under communist rule, the human rights guaranteed by the Covenant were not always respected, but ratification was nevertheless an important step in an attempt to meet international standards. After declaring independence, Ukraine became the successor to international treaties concluded by the USSR, including the International Covenant on Civil and Political Rights. Ukraine officially confirmed its obligations to the international community through its succession in 1991. Also in 1991, Ukraine ratified the Optional Protocol to the International Covenant on Civil and Political Rights, which allowed citizens to file individual complaints with the UN Human Rights Committee in cases of violations of their civil and political rights.

The main document that enshrined the principles of the International Covenant on Civil and Political Rights was the Constitution of Ukraine adopted in 1996. In particular, Section II of the Constitution, which defines the fundamental rights and freedoms of man and citizen, is largely based on the provisions of the Covenant. Articles 21-68²⁶ guarantee a wide range of rights, including the right to life, freedom of speech, freedom of conscience, equality before the law, the right to a fair trial, etc.

After the ratification of the International Covenant on Civil and Political Rights, Ukraine adopted a number of laws aimed at ensuring civil and political rights. For example, the Law on Freedom of Conscience and Religious Organisations, the Law on Information, the Law on the Election of People's Deputies, etc. To ensure the observance of human rights, the institution of the Ukrainian

23 Convention relating to the Status of Refugees, 1951.

24 Verkhovna Rada of Ukraine, 1993.

25 United Nations, 1966.

26 Constitution of Ukraine, 1996.

Parliament Commissioner for Human Rights was established, which is responsible for monitoring and protecting civil and political rights in Ukraine.

Ukraine, as a part of the Soviet Union, participated in the drafting of the International Covenant on Economic, Social and Cultural Rights,²⁷ and the USSR ratified it on 19th October 1973. After gaining independence on 24th August 1991, Ukraine confirmed its succession to the International Covenant on Economic, Social and Cultural Rights, which meant that it assumed all of the international obligations of the Soviet Union, including the Covenant.

Ukraine has undertaken a number of legislative reforms and has also adopted laws aimed at realising economic, social and cultural rights. In particular in the areas of healthcare, education, labour rights and social security, which were important steps in bringing national legislation in line with the provisions of the Covenant. In particular, the Constitution of Ukraine enshrines the fundamental rights guaranteed by the International Covenant, such as the right to work (Article 43), the right to social security (Article 46), the right to healthcare (Article 49) and the right to education (Article 53).²⁸

In response to the requirements of the International Covenant on Economic, Social and Cultural Rights, laws have been adopted to protect the social and economic rights of citizens: the Law on Education (2017)²⁹ guarantees the accessibility and quality of education in accordance with international standards; the Labour Code of Ukraine (1971)³⁰ establishes the rights for employees to work, and receive remuneration, leave and other social guarantees; the Law on Compulsory State Social Insurance (1999)³¹ regulates social protection, including pensions, unemployment insurance, etc.

The International Convention on the Elimination of All Forms of Racial Discrimination³² was adopted by the United Nations in 1965 as a response to the global problem of racial discrimination, which was particularly acute in the world at that time. The USSR ratified the Convention on 21st January 1969. After the collapse of the USSR, Ukraine became its successor and assumed the relevant obligations.

Since accession, Ukraine has worked to adapt its national legislation to ensure protection against racial discrimination. These changes have included the adoption of laws regulating equality, non-discrimination and the protection of national minority rights. In particular, the Constitution of Ukraine enshrines the equality of all citizens before the law and prohibits any form of discrimination, including racial discrimination. The Law 'On National Minorities in Ukraine'

27 United Nations, 1966.

28 Constitution of Ukraine, 1996.

29 The Law on Education, 2017.

30 The Labour Code of Ukraine, 1971.

31 Law on Compulsory State Social Insurance, 1999.

32 United Nations, 1965.

(1992)³³ guarantees the rights of national minorities and protects them from discrimination based on ethnicity. The Law of Ukraine 'On Principles of Preventing and Combating Discrimination in Ukraine' (2012)³⁴ regulates legal relations in the area of protection of rights against discrimination on any grounds, including race. It defines the procedures for filing complaints against discriminatory actions and establishes liability for violations of equality legislation.

The Convention on the Elimination of All Forms of Discrimination against Women³⁵ was adopted by the United Nations on 18th December 1979 and entered into force on 3rd September 1981. It aims to ensure equality between women and men in political, economic, social, cultural and all spheres of public life. In the context of Ukraine, important prerequisites for ratification were the changes in the political and social system caused by the collapse of the Soviet Union, as well as international pressure and the need to adapt Ukrainian legislation to international standards after independence. During the existence of the USSR, its legal and social structure emphasised a formal equality between men and women, but after independence, Ukraine had to implement real reforms to protect women's rights.

The USSR ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981. After gaining independence in 1991, Ukraine confirmed its succession to the Convention, which obliged it to implement all provisions and carry out relevant reforms. Article 24 of the 1996 Constitution of Ukraine explicitly enshrines equality of rights between women and men and prohibits any discrimination on the basis of sex.³⁶

In 2003, Ukraine ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which allows for individual complaints to be submitted to the UN Committee on the Elimination of Discrimination against Women.

The Law of Ukraine 'On Ensuring Equal Rights and Opportunities for Women and Men' (2005) enshrines the principles of gender equality in all spheres of public life and defines mechanisms to ensure equality.³⁷ The Law of Ukraine 'On Preventing and Combating Domestic Violence' (2017) introduced stricter mechanisms to combat violence against women, in line with Ukraine's obligations under the Convention on the Elimination of All Forms of Discrimination against Women.³⁸

33 Verkhovna Rada of Ukraine, 1992.

34 Verkhovna Rada of Ukraine, 2012.

35 United Nations, 1979.

36 Constitution of Ukraine, 1996.

37 Verkhovna Rada of Ukraine, 2005.

38 Verkhovna Rada of Ukraine, 2017.

The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³⁹ was ratified by the Soviet Union on 26th January 1987. For Ukraine, the national implementation of the Convention was linked to the general processes of democratisation and reform following the collapse of the Soviet Union. Human rights became one of the priorities of international politics, and Ukraine sought to ensure compliance with international human rights standards, including the prevention of torture. After gaining independence, Ukraine automatically assumed its obligations under the Convention. The 1996 Constitution of Ukraine enshrines the right of everyone to protection from torture, and prohibits cruel, inhuman or degrading treatment. In turn, the Criminal Code of Ukraine of 2001 explicitly establishes liability for torture, which is in line with the requirements of the Convention.⁴⁰

As part of the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Ukraine is carrying out reforms of law enforcement agencies and the penitentiary system to prevent the use of violence and torture. An important aspect of the national implementation of the Convention is the conduct of training programmes for law enforcement and judicial officials on the standards of humane treatment.

The Convention on the Rights of the Child⁴¹ was adopted by the UN General Assembly on 20th November 1989. Ukraine ratified the Convention on the Rights of the Child on 27th February 1991, before gaining independence. After gaining independence in 1991, Ukraine became a party to many international agreements, and the implementation of the Convention on the Rights of the Child was one of the first steps towards integration into the international human rights system. The prerequisites for this process were Ukraine's desire to strengthen the legal protection of children and meet international standards in this area.

The 1996 Constitution of Ukraine stipulates that children are equal in their rights regardless of their parents' origin and position.⁴² The Law of Ukraine 'On the Protection of Childhood' (2001) enshrines the main provisions of the Convention on the Rights of the Child, establishing legal guarantees for the protection of children's rights and interests.⁴³

As for the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁴⁴ it should be noted that Ukraine has not ratified this Convention due to several key reasons that relate to economic, legal and social aspects.

39 United Nations, 1984.

40 Verkhovna Rada of Ukraine, 2001.

41 United Nations, 1989.

42 Constitution of Ukraine, 1996.

43 Verkhovna Rada of Ukraine, 2001.

44 United Nations, 1990.

The Convention on the Rights of Persons with Disabilities⁴⁵ was adopted by the UN General Assembly on 13th December 2006. For Ukraine, the ratification of this Convention was important in the context of raising social standards and the legal protection of persons with disabilities. Since gaining independence, Ukraine has sought to raise the standards of protection for vulnerable categories of citizens and ensure their integration into society. Ukraine ratified the Convention on 16th December 2009 and it entered into force in Ukraine on 6th March 2010. The Law of Ukraine 'On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine' (1991) provides social protection for persons with disabilities and guarantees them equal rights and opportunities.⁴⁶ Following the ratification of the Convention, this law was reviewed and amended to meet international standards. Ukraine submits reports to the UN Committee on the Rights of Persons with Disabilities on measures taken to ensure the rights of persons with disabilities are respected, as well as on the fulfilment of international obligations under the Convention.

5. Reflection of the UN Human Rights Treaties in the Constitution of Ukraine

The 1951 Convention relating to the Status of Refugees and the 1967 Protocol both establish the legal status of refugees and oblige states to provide them with international protection. The Constitution of Ukraine has several provisions that are consistent with this Convention. Article 26 of the Constitution of Ukraine guarantees foreigners and stateless persons who are legally on the territory of Ukraine the same rights and freedoms as Ukrainian citizens. At the same time, it ensures their right to protection from persecution. Article 33 of the Constitution of Ukraine guarantees the right to freedom of movement, which is important for refugees and asylum seekers, as the 1951 Convention grants them the right to move without discrimination. Article 55 of the Constitution of Ukraine guarantees everyone the right to judicial protection, which is in line with Ukraine's obligation to protect refugees from persecution. This is in line with the principle of non-refoulement of the 1951 Convention, which prohibits the forcible return of persons to countries where they would be subjected to persecution.

The International Covenant on Civil and Political Rights of 1966 contains fundamental human rights, including the right to life, freedom of speech, religion, prohibition of torture, equality before the law, etc. Many of these provisions are directly reflected in the Constitution of Ukraine. Article 3 of the Constitution recognises that a person, his or her life and health, honour and dignity, inviolability

45 United Nations, 2006.

46 Verkhovna Rada of Ukraine, 1991.

and security are recognised as having the highest social value in Ukraine. This is in line with Article 6 of the International Covenant on Civil and Political Rights. Article 27 of the Constitution elaborates on this right: everyone has the inherent right to life. No one shall be arbitrarily deprived of his or her life. Article 28 of the Constitution prohibits torture, inhuman or degrading treatment or punishment, which is in line with Article 7 of the International Covenant. Article 34 of the Constitution guarantees freedom of thought and expression, the right to collect and disseminate information, which is consistent with Article 19 of the International Covenant. Article 24 of the Constitution guarantees equality of all citizens before the law, prohibiting discrimination on any grounds, which is in line with Article 26 of the International Covenant. Article 40 of the Constitution provides for the right to submit individual or collective petitions to public authorities, which is in line with Article 25 of the International Covenant on Civil and Political Rights.

The International Covenant on Economic, Social and Cultural Rights of 1966 protects the rights to work, claim social security, access healthcare, access education, take part in cultural activities and other important aspects. These rights are reflected in the Constitution of Ukraine as follows. Article 43 of the Constitution of Ukraine guarantees the right to work, which includes just conditions of work, remuneration and protection against unemployment, which is in line with Article 6 of the Covenant. Article 46 of the Constitution provides for the right of citizens to social protection, including security in the event of unemployment, sickness, disability or old age, which is consistent with Article 9 of the Covenant. Article 49 of the Constitution guarantees the right to health care, which is in line with Article 12 of the Covenant: everyone has the right to health care, medical assistance and medical insurance. Article 53 of the Constitution provides for the right to education, which includes access to free general secondary education, in line with Article 13 of the Covenant. Article 54 guarantees freedom of creative activity and protection of intellectual property, which is consistent with Article 15 of the Covenant.

The 1965 International Convention on the Elimination of All Forms of Racial Discrimination aims to prohibit all forms of racial discrimination and to ensure the equality of rights for all persons, regardless of race, colour, national or ethnic origin. The Constitution of Ukraine contains provisions that are consistent with the objectives of this Convention. Article 24 of the Constitution guarantees equality of all citizens before the law and prohibits discrimination on any grounds, including race, nationality, colour, etc., which is in line with Article 1 of the Convention. Article 35 of the Constitution guarantees the right to freedom of religion and belief, which may also be linked to the prohibition of discrimination on the basis of religious beliefs. Article 11 of the Constitution stipulates that the state shall promote the development of the ethnic, cultural and linguistic identity of all national minorities of Ukraine, which is in line with Article 5 of the Convention.

The 1979 Convention on the Elimination of All Forms of Discrimination against Women obliges states to ensure the equality of women in all spheres of life. The Constitution of Ukraine protects women's rights and prohibits discrimination on the basis of sex. In particular, Article 24 of the Constitution of Ukraine explicitly prohibits discrimination on the basis of sex and provides for equal rights and opportunities for men and women, which is in line with Article 2 of the Convention. Article 51 of the Constitution guarantees equality between men and women in marriage and family relations, which is in line with Article 16 of the Convention. Article 43 of the Constitution guarantees the equal right to work for men and women, including the right to equal pay for equal work.

The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits torture, inhuman or degrading treatment or punishment. The Constitution of Ukraine contains provisions that are consistent with the provisions of the Convention. Article 28 of the Constitution of Ukraine clearly prohibits torture and cruel and inhuman treatment. This provision is fully in line with Article 2 of the Convention, which obliges states to prohibit torture and provide adequate legal protection against it. Article 29 of the Constitution guarantees the right of everyone to liberty and personal security. This includes protection from unlawful detention or ill-treatment.

The 1989 Convention on the Rights of the Child protects children's rights to life, development, health, education, and protection from violence and exploitation. The Constitution of Ukraine includes several provisions that are in line with the objectives of the Convention. Article 52 of the Constitution of Ukraine guarantees special protection of children's rights. Article 53 guarantees the right to education, which is an important right of children under Article 28 of the Convention on the Rights of the Child.

It is worth noting that Ukraine has not ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and therefore has not implemented its provisions in national legislation.

The 2006 Convention on the Rights of Persons with Disabilities aims to protect the rights of persons with disabilities, ensure their social inclusion and equality. The Constitution of Ukraine also contains important provisions relating to the rights of persons with disabilities. Article 24 of the Constitution guarantees equality of rights for all citizens, including persons with disabilities, and provides for special measures to ensure equal opportunities. Article 49 of the Constitution guarantees the right to healthcare and medical care for all citizens, including persons with disabilities: the state creates conditions for effective and accessible medical care for all citizens. Article 53 guarantees the right to education for all citizens, including children with disabilities, which is in line with Article 24 of the Convention on the Rights of Persons with Disabilities.

6. Major legislative processes in Ukraine initiated by the UN Human Rights Treaties

After gaining independence in 1991, Ukraine began to actively engage in international legal processes, which included the signing and ratification of key international treaties. The main legislative processes that have taken place as a result of the ratification of the 1951 Convention relating to the Status of Refugees include:

1. In 1993, the first Law of Ukraine 'On Refugees' was adopted, which defined the process of acquiring and losing refugee status and the mechanisms for granting asylum.⁴⁷ The Ministry of Ukraine for Nationalities and Migration was designated as the central body of state executive power that coordinated the interaction of other state executive bodies in resolving all issues related to refugee problems.
2. In 2011, the Verkhovna Rada adopted a new Law on Refugees and Persons in Need of Complementary or Temporary Protection,⁴⁸ which brought Ukrainian legislation in line with international standards. It introduced categories of persons eligible for complementary and temporary protection and regulated the asylum procedure in detail.
3. In 2011, the Order of the Ministry of Internal Affairs of Ukraine approved Rules for the consideration of applications and the processing of documents required to decide the issue of the recognition of an individual as either a refugee or a person in need of complementary protection, the loss and revocation of refugee status, and the complementary protection and cancellation of a decision on recognition of a person as a refugee or a person in need of complementary protection.⁴⁹

After Ukraine signed the International Covenant on Civil and Political Rights as a sovereign state in the 1990s, it began active work on harmonising its legislation with international standards. The main legislative processes that took place as a result of the ratification of the International Covenant include:

1. The 1996 Constitution of Ukraine enshrines a number of rights and freedoms enshrined in the Covenant, including the right to life, the right to freedom of expression, freedom of conscience and religion, the right to a fair trial, etc. The Basic Law was an important step in ensuring civil and political rights.⁵⁰

47 Verkhovna Rada of Ukraine, 1993.

48 Verkhovna Rada of Ukraine, 2011.

49 Verkhovna Rada of Ukraine, 2011.

50 Constitution of Ukraine, 1996.

2. Subsequently, laws aimed at protecting political and civil rights were adopted, including the Law on Freedom of Conscience and Religious Organisations (1991), the Law on Elections of People's Deputies of Ukraine (2011), and the Law on Public Associations (2013).

The Law 'On Freedom of Conscience and Religious Organisations' (1991) guarantees the right to freedom of conscience to citizens of Ukraine and the exercise of this right ensures social justice, equality, protection of the rights and legitimate interests of citizens regardless of their attitude to religion, defines the duties of the state with regard to religious organisations, defines the duties of religious organisations to the state and society, and eliminates the negative effects of state policy on religion and the church.⁵¹ In 2011, the Law 'On Elections of People's Deputies of Ukraine' was adopted, which guarantees the exercise of the right to vote. The law regulated the types of parliamentary elections, the procedure and timing of their appointment and holding, the territorial organisation of parliamentary elections, election commissions, voter lists, nomination and registration of candidates for parliament, election campaigning, voting and determination of the results of parliamentary elections.⁵²

The Law 'On Public Associations' (2013) defines the legal and organisational framework for the exercise of the right to freedom of association guaranteed by the Constitution of Ukraine and the International Covenant on Civil and Political Rights, and the procedure for the establishment, registration, operation and termination of public associations.⁵³

3. An important development was the adoption of the Law on the Judiciary and the Status of Judges in 2010, which reformed the judicial system and strengthened the protection of the right to a fair trial. In 2016, a new Law 'On the Judiciary and the Status of Judges' was adopted, which defines the organisation of the judiciary and the administration of justice in Ukraine, functioning on the basis of the rule of law in accordance with European standards and ensuring the right of everyone to a fair trial.⁵⁴

Ukraine, as a state party to the International Covenant on Economic, Social and Cultural Rights, has an obligation to gradually realise the rights to work, education, healthcare and social protection provided for in this document. The main legislative processes that took place as a result of the ratification of the Covenant include:

⁵¹ Verkhovna Rada of Ukraine, 1991.

⁵² Verkhovna Rada of Ukraine, 2011.

⁵³ Verkhovna Rada of Ukraine, 2013.

⁵⁴ Verkhovna Rada of Ukraine, 2010.

1. The adoption of the Labour Code of Ukraine (1971), which enshrines the fundamental rights of workers, including the right to fair and safe working conditions, remuneration and rest.⁵⁵
2. The adoption of the Law of 'Fundamentals of Legislation of Ukraine on Compulsory State Social Insurance' in 1998, which established guarantees for the protection of the rights and interests of citizens entitled to pensions and other types of social protection.⁵⁶
3. The adoption of the Law 'On Compulsory State Social Insurance' (1999), which introduces the right to social security and social benefits, defines the legal, financial and organisational principles of compulsory state social insurance, guarantees working citizens their social protection in connection with temporary disability, pregnancy and childbirth, in case of an industrial accident or occupational disease, and protects their life and health.⁵⁷
4. In the healthcare sector, the reforms that started with the adoption of the Law on State Financial Guarantees of Medical Care in 2017 were important. This was a step towards ensuring universal access to medical services. The law defines state financial guarantees for the provision of healthcare services (medical services) and medicines of appropriate quality, reimbursement of medicines and medical devices (including auxiliary products) at the expense of the State Budget of Ukraine under the medical guarantees programme.⁵⁸
5. The adoption of the Law on Education (2017) introduced the right to equal access to education, reformed the system of school and higher education in line with international standards, and defined the competence of state and local governments in the field of education.⁵⁹

By ratifying the Convention on the Elimination of All Forms of Racial Discrimination, Ukraine has committed itself to creating legislative instruments to combat racial discrimination. The main legislative processes that took place as a result of the ratification of the International Covenant include:

1. In 1992, the Law of Ukraine 'On National Minorities in Ukraine' was adopted, which defined the rights of national minorities and their protection from discrimination, including racial discrimination. The law enshrined their right to education in their native language, the protection of their cultural heritage, and equality in access to social benefits.⁶⁰

55 Labour Code of Ukraine, 1971.

56 Verkhovna Rada of Ukraine, 1998.

57 Verkhovna Rada of Ukraine, 1998.

58 Verkhovna Rada of Ukraine, 2017a.

59 Verkhovna Rada of Ukraine, 2017b.

60 Verkhovna Rada of Ukraine, 1992.

2. In 2012, the Law 'On Fundamentals of Preventing and Combating Discrimination in Ukraine' was adopted, which introduced the concepts of 'direct discrimination' and 'indirect discrimination', defined mechanisms for preventing racial discrimination and provided liability for violations. The law created the basis for further expansion of anti-discrimination legislation in Ukraine.⁶¹
3. The Criminal Code of Ukraine was supplemented by Article 161, which provides for criminal liability for intentional actions aimed at inciting racial, national or religious hatred, as well as for the restriction of rights on racial or ethnic grounds.⁶²

Having ratified the Convention on the Elimination of All Forms of Discrimination against Women, Ukraine has undergone a number of key legislative processes, including:

1. In 2005, the Law on Ensuring Equal Rights and Opportunities for Women and Men was adopted, which defined gender equality in the political, economic and social spheres. It obliged state institutions to implement gender policies aimed at equality.⁶³
2. In 2017, the Law 'On Preventing and Combating Domestic Violence' was adopted, which complemented the obligations under the Convention. It includes measures to protect women from domestic violence, the main directions of implementation of state policy in the field of preventing and combating domestic violence, aimed at protecting the rights and interests of victims of such violence.⁶⁴

Having ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Ukraine has undergone a number of key legislative processes, including:

1. An important step was taken with the adoption of the Criminal Code of Ukraine in 2001, which included Article 127, which explicitly prohibits torture and criminalises its commission. In particular, torture, i.e. any intentional act aimed at causing severe physical pain or mental suffering to a person, committed with the aim of forcing him or her or another person to perform acts contrary to their will, including obtaining information or confessions, or with the aim of punishing him or her or another person for acts committed or suspected by him or her or another person, or with the

⁶¹ Verkhovna Rada of Ukraine, 2012.

⁶² Verkhovna Rada of Ukraine, 2001.

⁶³ Verkhovna Rada of Ukraine, 2005.

⁶⁴ Verkhovna Rada of Ukraine, 2017.

aim of intimidating him or her or other persons, is punishable by imprisonment for a term of three to six years.⁶⁵

2. In 2012, the Law of Ukraine ‘On Amendments to the Law of Ukraine ‘On the Ukrainian Parliament Commissioner for Human Rights’ regarding the National Preventive Mechanism’ was adopted, which introduced the National Preventive Mechanism for the Prevention of Torture. The Preventive Mechanism operates in cooperation with the Ukrainian Parliament Commissioner for Human Rights and allows the monitoring of places of detention (prisons, psychiatric hospitals, etc.) to prevent torture. A specialised structural unit, the Department for the Implementation of the National Preventive Mechanism, was established within the new structure of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights.⁶⁶

Ukraine’s ratification of the UN Convention on the Rights of the Child was an important step in establishing commitments to protect children’s rights in various areas. The main legislative processes that took place as a result of the ratification of the Convention include:

1. The adoption of the Law of Ukraine ‘On Protection of Childhood’ (2001), which defines childhood protection in Ukraine as a strategic national priority of great importance in ensuring the national security of Ukraine, the effectiveness of the state’s domestic policy, and in order to ensure the realisation of the child’s rights to life, health care, education, social protection, comprehensive development and upbringing in a family environment, establishes the basic principles of state policy in this area based on ensuring the best interests of the child.⁶⁷
2. The Criminal Code of Ukraine was supplemented with provisions to increase liability for crimes against children, including abuse, exploitation, trafficking and violence.⁶⁸
3. In 2005, the Law ‘On Ensuring Organisational and Legal Conditions for the Social Protection of Orphans and Children Deprived of Parental Care’ was adopted, which guarantees the right to state support for these vulnerable categories of children, including social security, education and housing.⁶⁹
4. In 2012, the National Strategy for the Prevention of Child Abandonment for the period up to 2020 was created, which aims to reduce the number of

65 Verkhovna Rada of Ukraine, 2001.

66 Verkhovna Rada of Ukraine, 2012.

67 Verkhovna Rada of Ukraine, 2001.

68 Verkhovna Rada of Ukraine, 2001.

69 Verkhovna Rada of Ukraine, 2005.

children deprived of parental care by supporting families and preventing their destruction.⁷⁰

By ratifying the Convention on the Rights of Persons with Disabilities, Ukraine has committed itself to international standards to ensure the rights of persons with disabilities on an equal basis with other citizens. The main legislative processes that took place as a result of the ratification of the Convention include:

1. The adoption of the Law of Ukraine 'On Rehabilitation of Persons with Disabilities' (2005), which enshrines the right of access to social, medical and psychological assistance for persons with disabilities. Following the ratification of the Convention, the law was revised to meet international standards and to ensure the full integration of persons with disabilities into society.⁷¹
2. Amendments to the Law 'On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine', which established a system of measures to ensure equality for persons with disabilities in all spheres of life. The law provides for the creation of special programmes for the rehabilitation, employment, and access to infrastructure, education, culture and sports for people with disabilities.⁷²
3. The approval by the Cabinet of Ministers of Ukraine of the National Strategy for Creating a Barrier-Free Space in Ukraine for the period up to 2030, which aims to fully integrate persons with disabilities into society and provides for inclusion measures, in particular in the educational, medical and labour spheres.⁷³

7. Cases before the monitoring bodies of the UN Human Rights Treaties

Over the seventy-nine years of its existence, the United Nations has created an extensive monitoring system to ensure that states fulfil their treaty obligations. Ukraine's reports (cases) submitted under the main international human rights treaties are worth considering.

The UN Human Rights Committee was established on the basis of the International Covenant on Civil and Political Rights. In 2000, Ukraine submitted its fifth periodic report, in which it noted the adoption of the Constitution of Ukraine, the establishment of the Council for the Reform of the Judiciary and the System of Appeal Courts, the adoption of a new Criminal Code, and changes to the procedure

⁷⁰ President of Ukraine, 2012.

⁷¹ Verkhovna Rada of Ukraine, 2005.

⁷² Verkhovna Rada of Ukraine, 1991.

⁷³ Cabinet of Ministers of Ukraine, 2021.

for pre-trial detention and to the rules governing searches. At the same time, the Committee noted that the text of the Constitution of Ukraine does not make clear whether the provisions of the International Covenant have a direct effect similar to the provisions of the Constitution and whether the courts in Ukraine can directly apply the International Covenant.⁷⁴

In 2011, the UN Human Rights Committee considered the case of *V. Shchitka v. Ukraine*. In this case, the author of the communication was the mother of the convicted V. Shchitka, who claimed that as a result of torture by the police, her son confessed to a crime he had not committed, and when he later recanted this testimony, the Ukrainian court did not take this into account and the materials were removed from the criminal case. In its findings, the UN Human Rights Committee found a violation of the following provisions of the ICCPR: Art. 7 (prohibition of torture); Art. 14(1) (equality before the courts); Art. 14(3) (compulsion to testify against oneself); Art. 14(3)(f) (refusal to examine witnesses). Based on the results of the review, the Committee decided that Ukraine is obliged to take effective measures to eliminate the harmful consequences of these violations and to conduct a new and impartial investigation, in particular regarding the use of torture; a retrial in accordance with national legislation and international standards; and provide adequate compensation.⁷⁵

On 9th February 2022, the UN Human Rights Committee adopted Concluding Observations on Ukraine's eighth periodic report on the implementation of the International Covenant on Civil and Political Rights. The report noted the adoption of a number of important legal acts and measures, including the law on mine action measures, the law on preventing and combating domestic violence, the law on civil service, the national strategy for promoting the development of civil society in Ukraine until 2026, and the action plan for the implementation of the national human rights strategy. At the same time, the Committee recommended that measures be taken to avoid pre-trial detention of minors, with the use of alternative measures not involving the deprivation of liberty. In addition, certain issues remain related to the implementation of legislative changes on child-friendly justice.⁷⁶

On 9th May 2022, the Permanent Representative of Ukraine to the United Nations and other international organisations requested the convening of a special session of the Human Rights Council on the deterioration of the human rights situation in Ukraine as a result of Russian aggression. On 12th May 2022, during the special Thirty-fourth Special Session, the Human Rights Council issued Resolution S-34/1 'The deteriorating human rights situation in Ukraine stemming from the Russian aggression'. The UN Human Rights Committee strongly condemned the

⁷⁴ Antonovych, 2005.

⁷⁵ Zubareva, 2016.

⁷⁶ The UN Treaty Body Database, 2022.

reported human rights violations and abuses and serious violations of international humanitarian law documented by the High Commissioner that took place in the areas of Kyiv, Chernihiv, Kharkiv and Sumy regions under the control of the Russian armed forces in late February and March 2022, including the very high number of reported cases of summary executions of men, women and children, sexual and gender-based violence, torture and other forms of ill-treatment, and other forms of inhuman and degrading treatment or punishment. The UN Human Rights Committee demanded an immediate cessation of hostilities against Ukraine and compliance by all parties to the conflict with the fundamental principles and rules of international humanitarian law, including refraining from all attacks against civilians and civilian objects and refraining from all human rights violations and abuses in Ukraine.⁷⁷

The Committee on Economic, Social and Cultural Rights was established on the basis of the International Covenant on Economic, Social and Cultural Rights. In 2000, the fourth periodic report of Ukraine on the fulfilment of its obligations noted the exercise by the Ukrainian people of the right to self-determination, the right to freedom from discrimination, including cooperation between national minorities, equality between women and men, and measures to guarantee the right to work. The report also contained information on measures to implement the right to fair and favourable working conditions, trade union rights, and the right to social security, including social insurance. Among the positive developments the Committee on Economic, Social and Cultural Rights noted the adoption of a number of laws on the protection of human rights, including the laws on refugees, immigration, citizenship and the new Criminal Code. At the same time, the Committee expressed concern about the high level of poverty and inadequate measures to overcome it; the situation of women and insufficient measures to eliminate discrimination against them; and de facto discrimination against ethnic minorities.⁷⁸

In 2014, the Committee on Economic, Social and Cultural Rights considered and adopted the sixth periodic report of Ukraine on the implementation of the International Covenant on Economic, Social and Cultural Rights. The report stated that in order to boost economic activity, stimulate employment and strengthen social protection against unemployment, the Cabinet of Ministers adopted Decision No. 831 on 8th September 2010, approving the Basic Directions for Pursuing State Employment Policy for 2010-2011. This document sets out ways of tackling the problem of unemployment, stipulates measures to consolidate the efforts of all parties to social dialogues that are geared towards regulating processes as they occur on the national labour market, and specifies the areas (priority tasks) on

⁷⁷ Report of the Human Rights Council on its Thirty-Fourth Special Session.

⁷⁸ Antonovych, 2005.

which State regulation of the labour market is to focus.⁷⁹ The Committee recommended to take all appropriate measures to progressively reduce the level of informal employment and to increase the access of persons employed in the informal economy to basic services, social protection and other Covenant rights.⁸⁰

On 20th-21st February 2020, during the 67th session of the UN Committee on Economic, Social and Cultural Rights in Geneva, Ukraine presented its 7th national periodic report on the fulfilment of its obligations. The report noted that the Russian aggression against Ukraine had negative social, economic and psychological consequences for the population and leads to the loss of human capital. It was emphasised that the most important thing for Ukraine was to provide all social guarantees and ensure the rights of its citizens, including internally displaced persons.⁸¹ The Committee recommended: to develop and adopt a new comprehensive national strategy and action plan for the integration of internally displaced persons and their access to economic, social and cultural rights for the period beyond 2020; to adopt legislation abolishing the requirement for residents of non-government controlled areas to register as internally displaced persons in order to access their pensions and other social benefits.⁸²

The Committee on the Elimination of Racial Discrimination was established on the basis of the 1965 Convention on the Elimination of All Forms of Racial Discrimination. In 1992, Ukraine submitted its eleventh and twelfth reports on the legislative, administrative and other measures taken to give effect to the provisions of the Convention. The reports noted that during the years of Ukraine's independence, 122 laws and 336 bylaws were adopted that relate to the Convention on the Elimination of All Forms of Racial Discrimination, the creation of institutional mechanisms for the development of cooperation between ethnic groups, and the criminalisation of incitement to national, racial and religious hatred and genocide. The Committee recommended that the Government of Ukraine include in its next report information on complaints lodged, prosecutions initiated and criminal and civil sanctions imposed for crimes arising from racial discrimination, including investigations into complaints lodged by the Ukrainian Parliament Commissioner for Human Rights.⁸³

In 2016, at the 90th session of the UN Committee on the Elimination of Racial Discrimination, Ukraine presented its 22nd and 23rd Joint Reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The Ukrainian delegation stressed that part of the sovereign territory of Ukraine – the Autonomous Republic of Crimea – was illegally occupied by the Russian Federation, as a result of which there were numerous

79 United Nations, no date.

80 The Committee on Economic, Social and Cultural Rights, 2014.

81 Permanent Mission of Ukraine in Geneva, 2020.

82 The Committee on Economic, Social and Cultural Rights, 2020.

83 Antonovych, 2005.

cases of human rights violations, including discrimination on national and other grounds, in particular against Crimean Tatars, Ukrainians, and persons of other nationalities who expressed pro-Ukrainian views, in the occupied and temporarily uncontrolled territories of Ukraine.⁸⁴ The Committee recommended to include nationality and descent as grounds for racial discrimination in the Law on the Principles of Preventing and Combating Racial Discrimination and in other legislation relating to the prohibition of racial discrimination.⁸⁵

The UN Committee on the Elimination of Discrimination against Women was established on the basis of the 1979 Convention on the Elimination of All Forms of Discrimination against Women. In 1999, Ukraine submitted its fourth and fifth periodic reports (as one document) to the Committee. This report provided information on the national bodies guaranteeing the equality of rights between women and men, the national plan of action for the advancement of women and the expansion of their role in society, measures taken to overcome stereotypes, and to implement the right of women to participate in the management of public affairs and to represent the State at the international level. In its concluding observations, the Committee noted positive developments, including the incorporation of the elimination of all forms of discrimination against women in Ukrainian law and its primacy over national norms in cases of conflict; the adoption of new laws and programmes; and the high level of women's education. At the same time, the Committee on the Elimination of Discrimination against Women expressed concern about the unsatisfactory level of awareness of the Convention and its application among people, including judges, law enforcement officers and women themselves; the lack of understanding of discrimination against women as a multifaceted phenomenon.⁸⁶

In 2017, the UN Committee on the Elimination of Discrimination against Women considered the eighth periodic report of Ukraine. The report noted the improvement of the fundamental principles of state policy aimed at accelerating the elimination of discrimination against women and the empowerment of women, including the adoption of the following documents: The State Programme for Ensuring Equal Rights and Opportunities for Women and Men, the Concept of the National Programme for Preventing and Combating Domestic Violence, and the National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security until 2020. At the same time, the Committee recommended ensuring women's and girls' access to justice and adopting gender-sensitive procedures for investigating sexual violence; providing training and adopting gender-sensitive codes of conduct and protocols for the police and armed

⁸⁴ Cabinet of Ministers of Ukraine, 2016.

⁸⁵ Committee on the Elimination of Racial Discrimination, 2016.

⁸⁶ Antonovych, 2005.

forces; and strengthening the capacity of the judiciary to ensure its independence, impartiality and integrity.⁸⁷

In 2022, Ukraine submitted its 9th periodic report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. The report indicates the adoption of Law No. 2229-VIII on Preventing and Combating Domestic Violence, the Law of Ukraine on Amendments to the Criminal and Criminal Procedure Codes of Ukraine regarding the introduction of criminal liability for domestic violence and other forms of gender-based violence, the introduction of a definition of gender-based violence in the Law of Ukraine on Ensuring Equal Rights and Opportunities for Women and Men, and the appointment of the Government Commissioner for Gender Equality Policy. The Committee was concerned that the military attack on Ukraine had resulted in gross human rights violations against Ukrainian women and girls, who were victims of attacks on civilians and civilian infrastructure, as well as torture and other cruel, inhuman or degrading treatment. The Committee recommended that consideration be given to seeking international assistance, if necessary, to implement the recommendations, including technical assistance from the Committee.⁸⁸

The Committee against Torture, established on the basis of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, considered the second periodic report of Ukraine on 12th November 1992. In the report, Ukraine pointed out that the reform of the judiciary had not yet been completed, but legal measures were under consideration to guarantee the separation of powers and the independence of the judiciary. In addition, the new Supreme Soviet of Ukraine had set up three commissions. The first dealt with legislative activities, the second with issues of public order and the third was a human rights commission that considered complaints submitted to it. The Committee observed that some, but not all provisions of the Convention were reflected in national legislation, and wished to know what measures were being taken to incorporate the provisions of the Convention into domestic law and whether the Convention could be invoked before a court.⁸⁹

In 2000 Ukraine submitted its fourth periodic report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ukraine mentioned the withdrawal of reservations to the Convention, the establishment of the State Department for the Execution of Sentences, the adoption of the laws 'On Amnesty' and 'On the Legal Status of Foreigners', the reform of the judicial system and the adoption of new criminal legislation, measures to improve the detention conditions of prisoners and detainees, the definition of torture as a criminal offence, the replacement of the

87 The Committee on the Elimination of Discrimination against Women, 2017.

88 The Committee on the Elimination of Discrimination against Women, 2022.

89 Committee against Torture, 1993.

death penalty with life imprisonment, and the compensation and rehabilitation of victims of unlawful acts. The Committee noted a number of positive developments, including the adoption of a new Criminal Code that defines torture as a crime; the establishment of the Constitutional Court; the adoption of new legislation in the field of human rights protection; and the introduction of the institution of the Ukrainian Parliament Commissioner for Human Rights, who can visit all places of deprivation of liberty. At the same time, the Committee recommended that the Government of Ukraine take effective measures to prevent the practice of torture; recognise the competence of the Committee against Torture under Articles 21 and 22 of the Convention against Torture and withdraw the reservation to Article 20 of the Convention.⁹⁰

In 2007, the Committee against Torture considered the fifth periodic report of Ukraine on the efforts of that country to give effect to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report stated that Ukraine had ratified the Optional Protocol to the Convention against Torture and had established a national mechanism as provided for in that instrument. A law had been adopted under which a prisoner had the right to have access to correspondence without censorship, and contacts with the High Commissioner's office were also possible without interference. The Committee welcomed Ukraine's ratification of the Optional Protocol to the Convention, which was one of the most important preventive measures that could be taken. At the same time, the Committee was concerned that the definition of torture in Ukrainian law did not meet all the requirements of the Convention.⁹¹

In 2014, the Committee against Torture concluded its consideration of the sixth periodic report of Ukraine on its implementation of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report stated that the Government had adopted the programme of activities of the Cabinet of Ministers aimed at ensuring the protection of human rights and the institution of free legal aid had been introduced in 2011. Ukraine was taking all possible measures to ensure fundamental rights and freedoms in the territories occupied and annexed by Russia, and it was also conducting investigations into acts of ill-treatment, torture, abduction or death. The Committee of Experts expressed concern about reported acts of torture and ill-treatment taking place in the territory outside the State's control, and wondered about measures to address those acts and ensure compliance with international obligations. Experts welcomed the new criminal legislation but were concerned about the lack of systematic application of its provisions and serious procedural violations in places of detention.⁹²

90 Antonovych, 2005.

91 The United Nations Office at Geneva, 2007.

92 The Office of the High Commissioner for Human Rights, 2014.

The Committee on the Rights of the Child is established under the Convention on the Rights of the Child. In 2002, Ukraine submitted its second periodic report. In the report, the Government of Ukraine outlined general measures taken to implement the Convention on the Rights of the Child, including the establishment of the Ministry for Family and Youth Affairs; amendments to the Code of Laws on Marriage and Family; the adoption of the National Family Planning Programme and the National Programme 'Children of Ukraine'. Whilst noting positive developments in its concluding observations and comments, the Committee on the Rights of the Child, *inter alia*, concluded that legislation on the Convention on the Rights of the Child was declarative in nature and had not been fully implemented. Forty recommendations of the Committee on the Rights of the Child to the Government of Ukraine included the need to establish a single permanent body to coordinate the implementation of the Convention at both national and regional levels; to provide the necessary resources for the full implementation of state programmes for children, including the Ukraine for Children programme.⁹³

In 2011, the UN Committee on the Rights of the Child considered the third and fourth periodic reports of Ukraine on the implementation of the Convention on the Rights of the Child and the initial report of Ukraine on the implementation of the Optional Protocol on the involvement of children in armed conflict. The report presented the measures taken by the Government of Ukraine to protect children and their rights, which include, *inter alia*, improving the legal framework for child protection, including reforming the state system for the placement of orphans and children deprived of parental care; and strengthening social protection for low-income families with children.⁹⁴ The Committee urged Ukraine to ensure continuity in the implementation of key Government child policy priorities, in particular Child Care Reform; to ensure the effective coordination of child policies by the Ministry of Education and Science, Youth and Sports in line with the reform, and in this regard to review the role and authority of the Inter-agency Commission on Child Protection.⁹⁵

The Committee on the Rights of Persons with Disabilities was established on the basis of the Convention on the Rights of Persons with Disabilities. In 2015, Ukraine submitted its first periodic report on the implementation of the Convention on the Rights of Persons with Disabilities. The report stated that Ukraine had adopted a number of important legal acts to improve the disability policy and to promote the rights of persons with disabilities to independence, social integration and full participation in the life of society without discrimination, including the Law on Principles of Prevention and Combating Discrimination, the Law on the Basis of Social Protection of Persons with Disabilities, and the Criminal Code of

93 Antonovych, 2005.

94 Women's Consortium of Ukraine, 2011.

95 The Committee on the Rights of the Child, 2011.

Ukraine.⁹⁶ The Committee noted with concern the lack of measures taken to raise awareness on the rights of persons with disabilities as contained in the Convention. The Committee was particularly concerned that public officials, professionals working with and for persons with disabilities, the public in general, and persons with disabilities themselves remained unaware of their rights. The Committee urged Ukraine to step up its efforts to raise the awareness of its public on the rights of persons with disabilities, by conducting public campaigns.⁹⁷

In 2024, Ukraine submitted its combined second and third periodic report on the implementation of the UN Convention on the Rights of Persons with Disabilities. The report provided detailed information on institutional support for NGOs, the availability of additional services for women with disabilities in times of war, and gave examples of prosecution for discrimination on the basis of disability. Noting the positive aspects, the Committee recommended Ukraine to develop a comprehensive strategy to increase the employment of persons with disabilities, including internally displaced persons with disabilities, as well as a supervisory mechanism to monitor its effectiveness.⁹⁸

8. Final Thoughts

The research of the history of human rights in Ukraine reveals that the country has deep roots in the traditions of a legal system dating back to Kyivska Rus. These historical milestones, including the influence of Byzantine law, the Lithuanian statutes and the implementation of the Magdeburg Law, have laid the foundations for a modern human rights system in Ukraine.

Cooperation with the UN allows Ukraine to integrate international standards effectively into national legislation, which is especially important in the context of the armed conflict of the Russian Federation against Ukraine. Ukraine actively uses international mechanisms to protect its national interests and draw attention to human rights violations in the occupied territories.

The incorporation of the main international human rights conventions into Ukrainian legislation ensures a high level of protection of citizens' rights, in particular in areas such as refugee protection, anti-discrimination, and the protection of the rights of persons with disabilities. The adoption of relevant legislation and the establishment of specialised bodies contribute to the effectiveness of these measures.

The analysis of cases submitted to UN monitoring bodies reveals systemic problems in the protection of human rights in Ukraine. This applies, in particular,

⁹⁶ The Office of the High Commissioner for Human Rights, 2015.

⁹⁷ The Committee on the Rights of Persons with Disabilities, 2015.

⁹⁸ The United Editorial Board of the Periodicals of the Ukrainian Society of the Blind, 2024.

to violations of labour rights, discrimination, enforced disappearances and other serious violations committed in the context of the armed conflict.

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