

UKRAINE
REPORT, PRESENTED IN THE FRAMEWORK
OF THE SESSION OF THE UN HUMAN RIGHTS COUNCIL ON THE UNIVERSAL
PERIODIC REVIEW
(THIRD CYCLE)

2017

**This Report has been prepared by the Coalition for Combating Discrimination
in Ukraine¹:**



**Коаліція з протидії
дискримінації в Україні**
Coalition for Combating Discrimination
www.antidi.org.ua

The abovementioned coalition of non-governmental organizations was established in 2011 for joint promotion of the ideas of equality and non-discrimination in Ukraine. All the participants have considerable previous experience in working at discrimination issues in Ukraine. The main purpose of this report is to draw the attention of the UN Human Rights Council to the discrimination problems in Ukraine. Regardless of the recommendations of the international agreement participants, including the recommendations, received and accepted within the framework of the second cycle of the Universal periodic review, not all the changes have been introduced to the Ukrainian legislation with the purpose of eliminating discrimination and ensuring proper protection of victims of discriminative actions and practices. Instead, the Ukrainian authorities do not acknowledge the scope of the problem, and sometimes even engage into discriminative activities themselves. In the light of absence of systemic work in this sphere, the Coalition for Combating Discrimination in Ukraine submits its conclusions and opinions to draw the attention of the UN Human Rights Council to the discrimination problems in Ukraine and to provide consultative recommendations which, once accepted by the state, will allow changing the situation for the better.

Legislation – positive improvements and existing drawbacks

1. Half of anti-discriminative system has been established in Ukraine. Some laws have been adopted, but they lack sanctions to punish for discrimination efficientlyⁱⁱ. The Law of Ukraine “On Principles of Preventing and Combating Discrimination”, adopted in 2012ⁱⁱⁱ along with other legislative acts is the foundation of the system of preventing and combating discrimination, but both the anti-discrimination law and other legislative acts require finalization. The legislators have not attended to the inclusiveness of the Law (a comprehensive list of grounds, which would explicitly name the most discriminated groups in Ukraine), the active mechanism of appealing the discrimination and relevant changes to other legislative acts, which have been adopted in Ukraine as of that moment, in order to ensure the coordinated work of the legislative system and avoid any legal collisions.
2. The legislation contains the definition of discrimination in its direct, indirect and other forms, a list of grounds, for which discrimination is prohibited, but due to no attempts of harmonizing the legislation, different current legislative acts contain different lists of grounds (the Constitution, the anti-discrimination law, the law about equality of the rights of women and men and the Criminal Code have not been coordinated), different laws contain different definitions of discrimination, which leads to the lack of legal clarity.
3. In May 2014, the Verkhovna Rada of Ukraine approved the changes to the anti-discrimination law, which corrected some drawbacks (for instance, the definition of discrimination forms was improved and expanded, positive actions, the mechanism of their introduction and the control over the implementation were determined, the list of authorities of the Ombudsman in the Verkhovna Rada was extended and the principle of transferring the burden of proof was added to the Civil Procedural Code).
4. In November 2015, the list of grounds in the Code of Laws on labor was added sexual orientation. However, the corresponding change was not introduced to the basic anti-discrimination law. Regardless of the comprehensive list of grounds and the relevant practice of adding some grounds, not defined explicitly by the law, which was introduced by the European Court of Human Rights and numerous explanations regarding it, it is the authors’ opinion that such negligence of the interests of LGBT people both leads to their refusal to have this law applied and does not promote overcoming of homophobia in the society. Ukraine should urgently extend the list of grounds in the basic anti-discrimination law and bring the constitutional list in line with the current anti-discrimination law (the list of grounds in the Constitution is much shorter than the one in the anti-discrimination law).
5. Another legislative initiative – draft law No. 3501, suggesting some changes to the Administrative Code of Ukraine (the creation of the system of imposing fines for discrimination and partial removal of discrimination from the Criminal Code of Ukraine) – has not been implemented yet, the draft law was not adopted in the second reading due to political fears of deputies, who declared openly that they would not vote for the project, which would prohibit discrimination and impact traditional values of the Ukrainians.

6. Other issues are yet to be addressed as well. For instance, not all the problematic procedural moments have been solved (the authorities which are to consider and impose fines, subjection to the jurisdiction at the very place of trespassing, the term of considering the claim, the absence of any mention of sexual orientation, gender identity, health condition); there is no comprehensive definition of reasonable application (except for the Law of Ukraine “On Fundamentals of Social Protection of Persons with Disabilities in Ukraine”); the definitions of different forms of discrimination in different laws have not been brought in line, etc.
7. Another unsolved issue, leading to the lack of legal clarity and “threatening” potential plaintiffs considerably, is the lack of regulation in the procedure of appealing discrimination. For instance, Article 16 of the anti-discrimination law stipulates that “persons, guilty of violating legal requirements on preventing and combating discrimination, shall be civilly, administratively, and criminally liable”, whereas the Criminal Code defines clear sanctions for discrimination.
8. If a person would like to directly file his/her claim about discrimination in court, it can be done within the framework of civil or administrative procedure, however, neither the Civil Code nor the Administrative Code contain the corresponding articles and sanctions against the trespasser. Within the framework of a civil suit, a person may demand the reimbursement of material and/or moral damage and restoration of the violated right, which does not envisage any separate punishment for the persons, guilty of discrimination.
9. Another way of appealing discrimination is a claim, submitted to the law enforcement bodies and the actual commencement of proceedings pursuant to Article 161 of the Criminal Code of Ukraine^{iv}. This is the least effective way, though Article 161 is the only article, envisaging the responsibility of the trespasser for his/her discriminative actions. The authors of the report draw attention to the fact that in itself, criminal responsibility for discrimination, not related to violence, is the violation of the principle of the proportionality of offenses and penalties. In addition, the procedure of investigating a case and bringing forth charges within the framework of the Criminal Code envisages the proof of the trespasser’s “motive” which is often quite impossible and, moreover, absolutely pointless to prove in cases on discrimination^v. Therefore, forcing the victims to the use of the Criminal Code for suits related to discrimination, we just create the system, in which it is impossible to prove such claims.
10. The only successful attempt of recent introducing changes to Article 161 of the Criminal Code was the introduction of the “disability” into the list of grounds in July 2014. The authors of this legislative initiative focused their attention only on the attempt of formal extension of the list of grounds, regardless of the estimates of the efficiency of prior practical application of Article 161 and the issue of “equality of offenses and penalties”. The main issue, which was highlighted by experts many times during the analysis of Article 161 and the police practice regarding the work on claims about some forms of discrimination, including violent crimes, was actually related to the inefficiency of Article 161 in bringing forth charges of discrimination due to the necessity of proving the trespasser’s motive, as in the world practice and generally in the very core of the anti-discrimination legislation the issue of the discrimination “motive” is not relevant, a person may not have an intent to discriminate somebody or even not know about such a phenomenon, using his/her own stereotypes about “inability of people with disabilities to work” or economic

reasons like “I don’t have money to build an entrance ramp”, but it should not exempt them from responsibility for the committed offense.

11. For instance, the civil monitoring, conducted in 2013, demonstrated a large scope of the problem of inaccessibility of Ukrainian courts for people with disabilities. In 2014, a client of the CCD Foundation of Strategic Activities, a man in a wheelchair, was trying to file a claim in court about the inaccessibility of a food outlet, but didn’t manage to enter the court registry due to the inaccessibility of the building. In this case the algorithm, suggested by Article 161 of the Criminal Code of Ukraine, is absolutely inefficient, because if a client files a claim in the police about “direct limitation of his right to fair hearing due to his disability”, it will be very difficult, if indeed possible, for an investigator to prove both the motive of not building an entrance ramp and the intentional nature of a failure to do so.
12. Other problematic moments of the Criminal Code are yet to be defined as articles 115, 121, 122, 126 and others, related to so called hate crimes, define these offenses as the ones, committed exclusively due to the motive of “racial, national or religious intolerance”, without the comprehensive list “and others”, which makes it impossible to have efficient investigation and to qualify these offenses, done due to other motives, for instance, crimes due to hatred to LGBT people. The victims of such crimes include “evident minorities” (often the victims are foreign students), representatives of religious groups and LGBT community (there was a noted tendency towards the increase in the number of homophobic attacks in 2012–2016). The data on the number and nature of such offenses may be found in the reports of non-governmental and international organizations.
13. In 2011–2014, the official statistics of hate crimes was not published by law enforcement bodies. According to the data, provided by ODIHR, the number of crimes, reported by the state, was much lower than the corresponding data, submitted by non-governmental organizations. For instance, according to EAJC, in 2012, the attacks on 19 persons were registered along with 29 cases of violence against LGBT-community, registered within this period, whereas the official state data contained the information about 3 cases. The first governmental data on the number of hate crimes were published in 2016 – after the creation of the National contact center for hate crime issues in 2015.
14. LGBT-women are the most sensitive group, when it comes to hate crimes, as they belong both to the LGBT-group and women at the same time. Usually trans-persons do not report to the police about hate crimes due to the problem of registering their cases based on the fact that their legal documents do not correspond to their appearance. In addition, policemen are often quite homophobic and transphobic, however, the situation is gradually improving after the reform of the national police, which started in 2015^{vi}.
15. In 2016, the National Police of Ukraine first published the statistics of hate crimes, segregated by qualities of the victims^{vii}, the information about which was introduced to the Unified register of pretrial investigations in 2015. There is no segregation in terms of age, gender, and ethnic origin of the victims. Only 3 out of 79 filed cases were heard in court. There is no data as to how many cases were sent to court in 2016, only available official data shows that 76 hate crimes were reported to police. 44% on religious bias, 16% SOGI and 10% ethnic or racial hatred.

16. At the end of 2015, the agreement was reached by the Office of General Prosecutor of Ukraine, the National Police of Ukraine, and non-governmental organizations about amending the crime registration form by adding a separate field, if a victim of the crime stressed the fact that it was a hate crime. On May 30, 2015, the Ministry of Internal Affairs issued the order to introduce the changes to the Instruction on the procedure of maintaining the unified register of claims and notifications about committed criminal offenses and other events in the police institutions. The clause "Indicates the circumstances of a criminal offense which may testify to the intolerance motives" was added to the protocol of filing the claim on a criminal offense, which has been or is going to be committed. The order entered into force on the day of its official publishing. There is still an issue of the way these changes will be reflected in the Unified register of pretrial investigations and, which is important, in the activity of the police.
17. Currently there is a task of ensuring efficient investigation of crimes and providing an effective system of a dialogue with the community and NGOs to report about the conducted work.
18. The problems of investigating hate crimes also lie in the fact that most frequently such crimes are qualified as hooliganism, which may be manifested through a variety of forms, for instance, vandalism, beating, infliction of slight bodily injuries, etc. The cases of vandalism are qualified as hooliganism or damage of property, regardless of the relevant articles in the Criminal Code (for instance, Articles 178, 179, 297, 298). The motive of religious intolerance is not considered even when the crimes are aimed at such constructions as monuments to Holocaust victims, synagogues, mosques, and other religious constructions and monuments. The monitoring of court rulings demonstrated that within 2012–2016 there were 7 rulings with the indicated Article 161 (one of them was overturned).
19. The drawbacks of investigation also include the inefficiency of investigators' actions, refusals to file claims of a crime, delay in procedural actions, etc. As a result, crimes are not investigated properly, which leads to lawlessness/reduction in punishment and decrease in the motivation to report a crime. Individual claims about threats, stirring up hatred in the Internet, including social networks, are usually not registered by the police or not investigated properly. The main argument in such cases is lack of time and technical possibilities to investigate cases, insignificant in the police's view. There is no understanding of the relevance of preventing the spreading of ultraright and extremist ideas in the society, especially among young people.
20. In addition to problems, related to the investigation of hate crimes, it should be noted there are continuous practices of xenophobic moods both in the rhetoric and actions of law enforcement bodies and public authorities. For instance, the programs of preventing crimes often include "events aimed at detecting criminal groups, formed on the basis of ethnic identity" which becomes a prerequisite for sweeps with the purpose of detecting so called "ethnic criminal groups". Some programs clearly state specific ethnicity, which the law enforcement agencies deem it necessary to fight: "To conduct a complex of measures, aimed at detecting criminal groups, formed on the basis of ethnicity, first and foremost including persons of Roma ethnicity". In one of notifications, the police department asks citizens to be careful with persons of "non-Slavonic appearance". Such statements and actions are both effective and leading to the decrease in the level of confidence

in law enforcement agencies and the improbability of the victims of hate crimes filing any claims about a crime in future. The notifications and sweeps aimed at detecting persons with non-regulated status traditionally use hatred language – the expressions “illegal immigrants” or even “imposters” (while the notifications do not contain any information about the specific status of detained persons) are frequently used by PR services of the police, the patrol police, the State Migration Service.

21. Systemic training of policemen in terms of preventing and combating discrimination in all of its forms, including racial and ethnic profiling and registration and investigation of hate crimes started only in 2015 along with the reform of the police and the creation of the National Police of Ukraine. In 2015, the program of training patrol policemen was added the mandatory course of “Tolerance and Non-Discrimination”, elaborated and introduced by experts and coaches of non-governmental organizations. In 2016, the pilot training for investigators on the issues of preventing and combating discrimination and investigation of hate crimes was launched in 6 pilot regions of Ukraine^{viii}. There was also a training for the employees of the State migration service in 10 regions^{ix}.
22. The drawbacks of investigation also include inefficiency of investigators’ actions, refusals to file claims of a crime, delay in procedural actions, etc. As a result, crimes are not investigated properly, which leads to lawlessness/reduction in punishment and decrease in the motivation to report a crime. Therefore, regardless of considerable legislative improvements, at the systemic level the Ukrainian legislation still does not meet international standards regarding the protection from all the forms of discrimination and cannot ensure proper protection and compensation for all the victims.
23. In December 2016, Ukraine finally decided to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence, based on the understanding that violence against women is one of the forms of gender-conditioned violence which is committed against women only because they are women. The liability of the state is to fully react to such violence in all of its forms and to take measures to prevent violence against women, to protect its victims and to punish the guilty parties. The failure to comply with this rule entails the responsibility of the state. The Convention makes it very clear: there is no actual equality between women and men, if women suffer from gender-conditioned violence in a large scope, while state authorities and institutions put a blind eye to it.
24. After the consideration of the text of the Convention, the Ukrainian Parliament took a decision to remove the terms “gender” and “sexual orientation” from the text, deeming them to be the propaganda of homosexuality in Ukraine. Unfortunately, this action was supported by most members and committees in the Parliament. This deprives both the Convention and the law of any efficiency as a mechanism of protection from gender-conditioned violence. It also makes it impossible for LBT-women to protect themselves from violence, based on sexual orientation and/or gender identity.
25. Women, suffering from violence of men, are victims of a crime and have a sound legal right for protection and support, which is the responsibility of local authorities. The access to financing of women’s shelters is different for many local authorities, some of them are not able to provide any shelter. There were serious drawbacks

revealed in terms of protecting women with disabilities, and women, who identify themselves as LGBTI. Current women's shelters in Ukraine do not include LGBTI-women as their target group and there is no organization which would constantly provide a shelter to this group. In addition, there is lack of care and knowledge about violence against women, who are lesbians, bisexual women, trans- and intersex people, especially among social services, medical workers, and the police. Women, belonging to LGBTI minorities, often face prejudiced attitude and statements while addressing state authorities and law enforcement agencies.

26. There is a direct prohibition in the legislation of Ukraine on the access of transgender people to adoption, based on the diagnosis of "transsexualism". It limits the equal right of all the citizens to have a family and to exercise their parental rights. There is also a provision in the Ukrainian legislation, prohibiting transgender people to use reproductive technologies, such as freezing their biological material (ovules, sperm) for further usage.
27. Lesbians and bisexual women, who have families with children, are often subjected to discrimination and abusive behavior, especially when it comes to the protection of their family and private life from the State. Ukraine does not acknowledge any forms of unions for LGBTI-families and adoption by the second partner. In cases when the biological mother died or has been deprived of her maternal rights, her partner does not have any legal rights for adoption.

The activity of institutions, which should prevent and combat all the forms of discrimination

28. In 2011-2016 reporting years, the Committee's recommendations were not followed regarding the creation of a new separate central body in preventing and combating racial or any other discrimination. In 2012, the Interdepartmental working group on combating xenophobia, interethnic and racial intolerance stopped its work. There was no publication of the statistics of notifications and individual claims about the facts of discrimination for any grounds, except for the statistics of individual claims, which the Ombudsman in the Verkhovna Rada of Ukraine started published in 2013, and the information of the non-governmental organizations.
29. Currently the only state institution, doing systemic work in terms of preventing discrimination by all the grounds, including racial, ethnic, and religious discrimination, is the office of the Ombudsman of the Verkhovna Rada of Ukraine, the only institution, collecting and publishing the statistics of applications with individual claims about discrimination, which allows tracing tendencies of spreading discrimination. In addition, this Office is the only agent, doing continuous educational work in the sphere of preventing discrimination. For instance, in 2014, the Ombudsman was involved in elaborating the textbook for the employees of state and public authorities on preventing and combating discrimination in Ukraine and conducted training in 10 pilot regions, including the city of Kyiv. In 2015, the Office employees conducted training for employees of Ukrainian courts. In 2016, the Ombudsman cooperated with non-governmental organizations in conducting trainings for the police and the employees of local public authorities on preventing discrimination and hate crimes (6 pilot regions of Ukraine). The capability of this Office was enhanced due to the increase in financing and training of the personnel with the support of the Council of Europe in cooperation with international and national experts in the sphere of non-discrimination. The Ombudsman is also a

partner of the awareness campaign “Discrimination Limits – Act Against!”^x, which is being implemented by the Coalition for Combating Discrimination in Ukraine with the international donor support^{xi}. Unfortunately, other governmental institutions do not express any willingness and readiness to support the campaign or at least use its informational resources to implement the clause of the Action Plan to the National Human Rights Strategy on informing the community about the discrimination problem in Ukraine.

30. All the other state authorities, including the central executive body, the Ministry of Culture, whose formal liability is to monitor the activity, aimed at preventing racism and xenophobia, do not do any systemic actions. In 2014-2015, the State made an attempt to establish a separate office of the Commissioner for Ethnonational Policy^{xii}, however, for one year of his work this Commissioner did not succeed in anything, demonstrating the inability to have any dialogue with different ethnic groups or stimulate the Parliament to solving matters of relevance for national minorities in Ukraine.
31. Some tasks, which may promote the implementation of the recommendations, received during the second cycle of UPR, are contained in the Action Plan on the implementation of the National Human Rights Strategy^{xiii} (2016–2020). However, it should be noted that most agents, implementing this plan, take their time in appointing the persons, responsible for some events, ignore information inquiries, and the Ministry of Culture, responsible for a considerable number of events related to national and religious groups, sent a letter to the working group with the demand to exempt the Ministry from this responsibility due to the lack of understanding of the ways to implement this work, the lack of specialists and financing.
32. Some divisions, which are to attend to the issues of equality and non-discrimination, have been established only in the Ministry of Social Policy, for instance, the division on gender equality, all the other central authorities along with their regional divisions do not do any systemic work in overcoming and preventing discrimination. In the opinion of the authors of the report, first of all it is conditioned by the absence of a clear and unified anti-discrimination policy in the State.

On the status of implementing recommendations, received during the second cycle

1. Recommendations 97.18 and other recommendations on refraining from any laws which limit the freedom of speech for LGBT were not accepted by the State, but they were followed in 2014 and 2015, when draft laws Nos. 8711, 10290 and 1155 were removed from the agenda of the Verkhovna Rada.
2. Recommendations 97.25 and others, related to adopting legislation, which would explicitly protect LGBT from discrimination, were not followed, such grounds as “sexual orientation”, “gender identity” were never included into the drafts of the anti-discrimination law^{xiv}. In November 2015, the grounds “sexual orientation” and “gender equality” were introduced to the list of grounds in the Code of Laws on Labor in Ukraine. However, these grounds are absent again in the new draft Labor Code.
3. Recommendation 97.26 and others on the adoption of anti-discrimination law have been followed. There is still an issue of harmonizing the system of national law for efficient work and respective practical implementation of the law. It is not sufficient to consider the existence of the law on paper to be an achievement; *inter alia*, the law defines the responsibilities of state and local authorities in preventing and

combating discrimination and creates some space for elaboration and implementation of positive actions, which was missing in 2012–2017.

4. Recommendation 97.38 and others on establishing an institutional mechanism to counter racial discrimination and its work have not been followed even at the level of any initiatives or discussions.
5. Recommendation 97.57 and others on including explicit reference to sexual orientation to the anti-discrimination law have not been followed.
6. Recommendation 97.58 and others on the programs, aimed at preventing and combating racism and other forms of discrimination, have not been followed.
7. Recommendation 94.105 and others on more active investigations of hate crimes have not been followed. Regardless of the fact that in 2013 Ukraine finally signed the Cooperation Memorandum with ODIHR/OSCE which envisages training of law enforcement bodies on preventing and combating hate crimes, this training has not been launched. The only improvement may be found in the introduction of the course in “tolerance and non-discrimination” into the curriculum for new patrol police, which also includes the section of preventing hate crimes.

RECOMMENDATIONS

1.1 To introduce changes into civil and administrative codes, envisaging punishment for discrimination as well as clear and simple mechanism of compensations for discrimination victims.

1.2 To add the grounds “sexual orientation” and “gender identity” to the explicitly cited list of grounds in Article 1 of the Law of Ukraine “On Principles of Preventing and Combating Discrimination in Ukraine”.

1.3 To develop the algorithm of collecting data on hate crimes, to ensure the compliance between the Protocol of accepting the claim of criminal offense and introduction of the data to the Unified Register of Pretrial Investigations, and to establish the mechanism of disclosing the data on the results of investigating such cases.

1.4 To develop and approve the provisions on the cooperation between the police and the prosecutor’s office in cases of hate crimes.

1.5 To introduce changes to the Criminal Code of Ukraine with the purpose of ensuring punishment for crimes, committed on the grounds of homophobia, namely, to Article 67, c. 2 Art. 115, c. 14 Art. 121, c. 2 Art. 122, c. 2 Art. 126, c. 2 Art. 127, c. 2 Art. 129, Art. 293.

1.6 To review the internal regulations of punitive institutions with the purpose of ensuring reasonable conditions for representatives of religious communities, which need the mentioned conditions.

1.7 To ensure the implementation of measures within the framework of the National Human Rights Strategy and the Action Plan hereto, including the allocation of budget finances in the framework of Block 18 of the Action Plan.

1.8 To improve the Procedure of analyzing normative and regulatory acts in terms of anti-discrimination by executive authorities (approved by the Resolution of the Cabinet of Ministers of Ukraine No. 61).

1.9 To remove all the discriminative norms, refraining the access to reproductive rights

and/or rights of adoption for LGBTI women from the legislation of Ukraine.

1.10 To adopt the legislation which ensures partnership on general grounds for all the citizens regardless of any characteristics, including sexual orientation and/or gender identity, with equal parental rights.

1.11 To include the terms “gender” and “sexual orientation” into the Ukrainian law on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

1.12 To establish LGBTI-inclusive shelters for women, who have suffered from violence.

ⁱ The Coalition for Combating Discrimination in Ukraine was established on April 5, 2011 as the all-Ukrainian non-governmental human rights initiative when Ukrainian non-governmental organizations signed a special Memorandum.

On July 15, 2012, the decision was taken to transform CCD into the union, consolidating non-governmental organizations and individual experts, brought together for the values of human rights and involved in combating discrimination in Ukraine.

The activity of the Coalition is aimed at:

- actual adherence to the principle of equality for all the citizens, regardless of some social or individual grounds, recognized in international, European, and national legislation as prerequisites for protection from discrimination;
- development, expansion and improvement of the system of protecting human rights and freedoms in Ukraine;
- countering the attempts of unreasonable and unjust limiting the rights of some categories of citizens;
- eradication of the phenomenon of discrimination from social life;
- further development of law enforcement movement and civil society;
- representation, realization and protection of interests of its member organizations.

The Coalition has four main tasks:

- 1) promoting the adoption of the complex anti-discrimination law, aimed at specifying and developing normative-procedural foundations for combating discrimination in Ukraine;
- 2) unifying the basic terminology in the sphere of combating discrimination within the legal framework of Ukraine and bringing it in line with the legislation of the European Union;
- 3) promoting the introduction of a comprehensive list of explicitly defined anti-discrimination grounds, corresponding to current requirements, into the national legislation;
- 4) enhancing the knowledge and practical skills of the representatives of different social and professional groups in the sphere of promoting anti-discrimination initiatives.

More information about CCD is available at <http://antidi.org.ua/ua/>

As of now, the discrimination is prohibited by the Constitution (guarantee of equality of citizens with the specific list of grounds, which does not coincide with the anti-discrimination law); the Law of Ukraine “On Ensuring Equal Rights and Possibilities of Women and Men” and the Law of Ukraine “On Fundamentals of Social Protection of Persons with Disabilities”, and in some spheres – the Law of Ukraine “On Advertisement”, the Law of Ukraine “On Employment of the Population”, the Code of laws on labor, etc. Differences in treatment are also prohibited by the Criminal Code of Ukraine.

iii <http://zakon4.rada.gov.ua/laws/show/5207-17>

iv Complete text of Article 161 of the Criminal Code of Ukraine:

Violation of the equality of citizens regardless of their racial, national identity, religious beliefs, disability and other grounds

1. Intentional actions, aimed at stirring up national, racial or religious hostility and hatred, at humiliating national honor and dignity, or offending the feelings of citizens related to their religious beliefs, as well as direct or indirect limitation of rights or establishing direct or indirect privileges of citizens according to the qualities of race, skin color, political, religious and other beliefs, sex, disability, ethnic and social origin, wealth status, place of residence, language or other qualities – shall be punished with a fine in the amount from two hundred to five hundred basic income amounts of citizens or imprisonment for the term of up to five years, with the prohibition to hold some positions or to be engaged in some activities for the period of up to three years or without such prohibition.

2. The same actions, connected to violence, deceit or threats, as well as such actions, done by an official, shall be punished with a fine in the amount from five hundred to one thousand basic income amounts of citizens or imprisonment for the term from two to five years, with the prohibition to hold some positions or to be engaged in some activities for the period of up to three years or without such prohibition.

3. The actions, stipulated in parts one or two of this article, which have been done by an organized group of individuals or resulted in severe consequences, shall be punished with the imprisonment for the period from five to eight years.

{Article 161 in the version of the Law [No 1707-VI dated 05.11.2009](#); with amendments, introduced according to the Law [No 1519-VII dated 18.06.2014](#)}

v The corresponding substantiation of the ECtHR in case of Danilenkov and Others v Russia, the analysis in Ukrainian can be found at <http://noborders.org.ua/docs/analityka/danilenkov-and-others-v-russia-daniljenkov-ta-inshi-proty-rosiji-6733601-rishennya-vid-30-lypnya-2009r/>

vi More information at http://insight-ukraine.org/wp-content/uploads/2017/01/guide_discrimination.pdf

vii More information at <http://noborders.org.ua/politsiya-rozglydila-79-zlochyniv-na-grunti-nenavisti-2/>

viii The curriculum was elaborated and implemented by the coaches of No Borders Project, NGO Social Action Center.

ix The course was elaborated by the experts of the Ukrainian Helsinki Human Rights Union.

x More information about the campaign at <http://www.discrimi.net>

xi More about the work of the Coalition at <http://www.antidi.org.ua/ua/>

The only reaction to the aggravation in the issue of violating the rights of national minorities was the creation of the office of the State Commissioner for Ethnonational policy in 2014. According to his own estimates, in May 2015 the State Commissioner had neither mandate nor proper apparatus for systemic work. According to the estimates of civil society, even having the limited resources the Commissioner did have, it was possible to do much more in this Office for the whole year. However, instead of consolidating the efforts of experts in, for instance, finalizing the work at the state ethnonational policy, or working along with deputies and civil society at promoting draft laws on indigenous peoples or changes to the law on national minorities, or attempts of achieving effective interaction between the central authorities, etc., the State Commissioner spent his time with the mobile hospital in the ATO zone, which had no direct relation to his position and mandate, as well as on loud and often ambiguous statements about the “true nature” of international problems in Ukraine. In May 2015, this Office was abolished.

^{xiii} On Approval of the Action Plan on implementing the National Human Rights Strategy and the Action Plan itself <http://www.kmu.gov.ua/control/uk/cardnpd?docid=248740679>

^{xiv} See CCD claim regarding it at <http://antidi.org.ua/ua/activity/application/280-zvernennya-kpd-shchodo-zakonoproektu-4581> and another statement on general development of the anti-discrimination legislation in 2014 and its drawbacks <http://antidi.org.ua/ua/activity/application/292-na-shlyakhu-do-zmin-povilnyy-ale-vazhlyvyy-rozvytok-antydyskryminatsiynoho-zakonodavstva-v-ukrayini>