

## Ukraine 2025

### Information from: Ukrainian Parliament Commissioner for Human Rights

### Independence, effectiveness and establishment of NHRIs

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#### International accreditation status and SCA recommendations

The Ukrainian Parliamentary Commissioner for Human Rights was last [re-accredited with A-status in October 2019](#).

The SCA acknowledged that, in practice, the NHRI interprets its mandate in a broad manner and carries out a wide variety of activities to promote human rights and encourages ratification of and accession to regional and international human rights instruments. Yet, the SCA recommended the NHRI to advocate for appropriate amendments to its enabling law in order to include a more explicit mandate to undertake these functions.

At the time, the SCA noted that the NHRI had at the time proposed amendments to its enabling law with respect to the selection and appointment of the Commissioner. However, it still encouraged the NHRI to continue to advocate for the formalization of a process that includes requirements to broadly publicize vacancies; maximize potential candidates from a wide range of societal groups and educational qualification; promote broad consultation and participation in the process; and assess applicants on the basis of pre-determined, objective, and publicly available criteria.

Further, the SCA noted that the enabling law is silent on the number of times a Commissioner can be re-appointed and took the view that it would be preferable for the term of office to be limited to one re-appointment.

Additionally, the SCA encouraged the NHRI to continue to strengthen its cooperation with civil society organization and human rights defenders.

Finally, during the review the NHRI reported a need for greater capacity to provide training to its staff. The SCA encouraged the NHRI to continue to advocate for adequate funding to effectively carry out the full extent of its mandate, and to provide necessary training for staff.

#### Follow-up to international and European actors'

## recommendations on NHRIs and relevant developments

### Measures taken to follow up on the recommendations concerning the NHRI, issued by European actors

#### *Reviewing the National Preventive Mechanism*

In the [Ukraine Report under the EU's 2024 Enlargement Package](#), there is a recommendation to review the National Preventive Mechanism (hereinafter referred to as the NPM) in close consultation with representatives of relevant civil society organisations.

In order to implement this recommendation, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights included the following measure in the [Roadmap](#) on the Rule of Law in preparation for the negotiation process on Ukraine's accession to the European Union: "Conducting an independent evaluation of the national preventive mechanism with the support of the Council of Europe and preparing a report on the evaluation of the national preventive mechanism in response to the European Commission's recommendation for review the work of the national preventive mechanism presented in the Ukraine Report under the EU's 2024 Enlargement Package".

#### *Increased capacity building*

Additionally, in the [above-mentioned report](#), the European Commission noted that the capacity of the staff of the Ombudsman's Office of Ukraine has increased, but further efforts are needed to combat discrimination, hate speech and hate crimes through appropriate training and effective enforcement.

In 2024, the number of complaints received by the Ombudsman's Office increased compared to 2023. In order to increase the capacity of the staff of the Ombudsman's Office and regional offices, the [training course on preventing and combating discrimination and hate speech](#) was held with the support of the Council of Europe.

In addition, with the support of the Council of Europe, the [Handbook on Preventing and Combating Discrimination for civil servants, local government officials and administrative service providers](#) was developed.

On October 21, 2024, the [Forum 'Combating Discrimination and Hate Crimes: European Human Rights Standards'](#) was held in cooperation between the Office of the Ombudsman of Ukraine, the Council of Europe and the NGO Gender Stream. The discussions focused on advocacy strategies to support European integration draft laws in the area of non-discrimination; effective implementation of international standards in national legislation; and implementation of ECtHR judgments on Ukraine.

It is important to note that Ukraine continues to deepen its dialogue with representatives of national minorities (communities) of Ukraine on the further implementation of national legislation in this area.

For instance, on June 7, 2024, public authorities, in particular the Office of the Ombudsman of Ukraine, with the participation of representatives of NGOs of national minorities (communities) of Ukraine, held the [Forum of National Minorities \(Communities\) of Ukraine 'European Perspective, Dialogue, Protection of Rights'](#) in Kyiv.

Representatives of NGOs of national minorities (communities) and indigenous peoples of Ukraine were involved in providing suggestions and comments to the Roadmap on the Rule of Law (Fundamental Rights), which is being developed by Ukraine to be submitted to the European Commission as part of the negotiation process with the European Union.

On September 5, 2024, the [Special Report of the Ukrainian Parliament Commissioner for Human Rights on the observance of the rights of national minorities \(communities\) and indigenous peoples in the conditions of the armed aggression of the Russian Federation against Ukraine for the period from 24 February 2022 to 31 December 2023](#) was presented. This document contains 75 recommendations for state authorities and local self-government bodies to improve legislation and state policy in the field of ensuring the rights and freedoms of representatives of national minorities (communities) and indigenous peoples of Ukraine.

The Department for Monitoring the Rights of the Child (hereinafter in this Clause - the Department) took an active part in bilateral meetings between Ukraine and the European Commission as part of the official screening of the compliance of Ukrainian legislation with EU law: under negotiating Chapter 23 'Judiciary and Fundamental Rights' and Chapter 24 'Justice, Freedom and Security'. In addition, preparations are currently underway for participation in negotiations on Chapter 19 'Social Policy and Employment' and the questionnaire sent by the EU side has been processed within the competence.

The Department provided proposals and comments from the Secretariat of the Ukrainian Parliament Commissioner for Human Rights to the draft Ukraine Report under the EU's 2024 Enlargement Package ('UKRAINIAN INPUT FOR THE PERIOD APRIL 2024 - AUGUST 2024 to the Individual Annual Report within 2024 Enlargement Package').

The recommendations of the European Commission, presented, in particular, in the [2024 Enlargement Report](#), were also processed and a letter was sent to the Ministry of Education and Science of Ukraine with recommendations for supplementing the Fundamental Rights block of the Roadmap in accordance with the point highlighted by the European Commission on ensuring quality education for all children, including those who are displaced and children living

near the front-line (It remains challenging to ensure quality education for all children, in particular those displaced and children near the front-line).

### *Attracting external assistance for harmonisation of national legislation with EU legislation*

With regard to attracting external assistance, in order to receive in-depth consultations on harmonisation of national legislation with EU legislation on parental responsibility, in particular, settlement of cases of child abduction by one of the parents, as well as recommendations on the development of relevant legislation, the Department submitted proposals to the European Commission's TAIEX External Assistance Plan for the Secretariat of the Ukrainian Parliament Commissioner for Human Rights for 2025. It is expected that as a result of cooperation with experts from EU member states, the Commissioner's Office staff will receive professional consultations and recommendations on practical issues to harmonise national legislation with EU legislation. This will facilitate the further development of amendments to Ukrainian legislation to ensure that the best interests and rights of the child are respected and that a clear mechanism of parental responsibility for child 'kidnapping' is introduced, including preventive mechanisms to avoid such offences and criminal liability for illegal change of residence of a child by one of the parents, as well as for intentional violation of the terms of the procedure for one of the parents' participation in the upbringing of the child.

The Department provided proposals on the needs/issues requiring expertise and involvement of external experts, in particular, on the [Brussels IIb Regulation in the new version \(2019/1111\)](#).

[Ukraine Report under the EU's 2024 Enlargement Package](#) points to the need to adopt a strategy and action plan for implementing the reform of deinstitutionalisation of alternative childcare. The Commissioner joined the development of the draft strategy, providing comments and suggestions that were taken into account by the rulemaker. As a result, the Cabinet of Ministers of Ukraine approved the Strategy for Ensuring the Right of Every Child in Ukraine to Grow Up in a Family Environment for 2024-2028 and the Operational Action Plan for 2024-2026 for its implementation by [Resolution No. 1201-p dated November 26, 2024](#).

### **Gender perspective**

To implement the [Strategy of the Ukrainian Parliament Commissioner for Human Rights for the period up to 2027](#), which contains strategic objective 3: The Ombudsman's Office is an accessible and inclusive institution for everyone, the following steps were taken in 2024 to implement and promote gender equality principles in the work of the Ombudsman of Ukraine:

- [the authorised person \(coordinator\) was appointed in the Office of the](#)

[Ombudsman of Ukraine on ensuring equal rights and opportunities for women and men, preventing and combating gender-based violence](#);

- [the gender audit of the Ombudsman's Office](#) was conducted with the support of UN Women in Ukraine;
- the staff of the Ombudsman's Office and its regional network constantly improve their professional competence in the field of preventing and combating discrimination and in the field of empowerment of women and men;
- with the support of UN Women in Ukraine, the [study visit to the Kingdom of Spain](#) was held to share experience and best practices, principles of work, opportunities for protecting the rights of Ukrainian citizens abroad, as well as on parliamentary and public oversight of gender equality.

## **Regulatory framework**

The national regulatory framework applicable to the NHRI has not changed since January 2024.

In July 2022, the Ukrainian Parliament Commissioner for Human Rights (hereinafter referred to as the Commissioner) initiated the establishment of the Advisory Council under the Commissioner and, on its basis, a working group to develop amendments to the relevant Law of Ukraine '[On the Ukrainian Parliament Commissioner for Human Rights](#)' (hereinafter referred in this paragraph as the Law), which currently regulates the activities of the Commissioner and the Office of the Commissioner, as well as to other related laws.

During the meetings, the members of the working group reached a common conclusion on the need to reconsider the approaches to the activities of the Commissioner's institution and protection of human rights and freedoms defined by the relevant Law.

The draft legislative amendments to the relevant law received a positive response from the ENNRI, which noted that this draft is an overall positive step towards greater compliance with the UN Paris Principles.

The developed draft amendments to the Law and other laws of Ukraine were presented to the public on April 9, 2024, and have now been sent to the subject of the legislative initiative.

## **Mandate strengthened to contribute to access to justice**

The NHRI's mandate to contribute to access to justice for individuals been strengthened since 2022 through complaints handling.

Following the enactment of the Law of Ukraine '[On Liquidation of the District](#)

[Administrative Court of Kyiv and Establishment of the Kyiv City District Administrative Court](#), the Ombudsman received a significant number of complaints from citizens regarding violations of the right to access to justice.

In order to facilitate citizens' access to justice, the Ombudsman's Office staff reviewed such complaints, sent letters to the Liquidation Commission of the District Administrative Court of Kyiv (DACK) on the status of transfer of case files to the Kyiv City District Administrative Court (KCDAC), verification of receipt of case files from the District Administrative Court of Kyiv, and drew attention to the need to continue considering cases.

In addition, in the process of transferring case files from the DACK to the KCDAC, the Commissioner identified the problem of staff shortage at the KCDAC, as well as the lack of premises for placing the received case files.

### **NHRI regulatory framework should be strengthened**

The NHRI regulatory framework should be strengthened. As noted above, draft amendments to the Law and other laws of Ukraine have been developed, presented to the public on April 09, 2024, and have now been sent to the subject of the legislative initiative.

It is urgent to strengthen the institutional capacity of the Office of the Ombudsman of Ukraine as an equality body to prevent and combat discrimination in Ukraine.

Currently, the European integration [draft law 'On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine on Combating Discrimination'](#) (Reg. No. 5488 of 13.05.2021), supported by the Ombudsman of Ukraine, requires consideration and adoption, which, along with the introduction of administrative liability for discrimination, provides for the Commissioner, his representatives and authorised persons of the Ombudsman's Office to draw up administrative protocols for such violations and send them to court. The European Commission, in particular, emphasises the importance of its adoption.

### **NHRI enabling and safe space**

#### **State authorities' awareness of the NHRI's mandate, independence and role**

The Commissioner and the staff of the Ombudsman's Office provide explanations to state authorities in the exercise of their powers with appropriate reference to the Law of Ukraine '[On the Ukrainian Parliament Commissioner for Human Rights](#)', which establishes the mandate, independence and role of the Commissioner's institution in Ukraine.

In order to raise awareness of state bodies and citizens, when preparing letters, concrete articles of the Law of Ukraine '[On the Ukrainian Parliament Commissioner for Human Rights](#)' are specified in the text of the letter, within the framework of which the relevant request is made.

When conducting monitoring visits, in accordance with the [Regulation on organising and conducting monitoring visits/on-site monitoring on the observance of children's rights and freedoms by state authorities, local self-government bodies, enterprises, institutions, organisations regardless of ownership](#), the head of the monitoring group informs the head or other responsible persons of the monitored object about the grounds and purpose of the monitoring visit, introduces all members of the monitoring group and informs about their powers and tasks.

In addition, in order to inform public authorities and citizens about the Commissioner's activities and powers, information stands and posters were distributed in the territorial communities of Ukraine as part of the [Swiss-Ukrainian project \(programme\) of international technical assistance DECIDE - 'Decentralisation for Improved Democratic Education'](#).

As part of the implementation of the NPM, materials about the mandate and activities of the Commissioner and contact information for communication with the Ombudsman of Ukraine are placed in places of detention.

### **Access to information and to policy makers and involvement in all stages of legislation and policy making**

According to Article 3 of the Law of Ukraine '[On the Ukrainian Parliament Commissioner for Human Rights](#)', one of the objectives of the parliamentary control exercised by the Commissioner is to facilitate the process of bringing legislation of Ukraine on human and citizen's rights and freedoms in accordance with the Constitution of Ukraine and international standards in this area.

In order to achieve this goal, the Commissioner has the right to submit proposals for improvement of the Ukrainian legislation on human and citizen's rights and freedoms in accordance with the established procedure. In particular, the Commissioner makes proposals for improving the legislation on preventing and combating discrimination.

The Commissioner carries out expert analysis of draft laws and other regulatory acts, prepares proposals for the development of draft laws and other regulatory acts within her/his competence, and makes proposals on the need to amend and supplement draft regulatory acts.

The Ombudsman of Ukraine works closely with the Verkhovna Rada (Parliament of Ukraine) Committees, Governmental Committees, and central executive

authorities.

It should be noted that draft acts of the Cabinet of Ministers of Ukraine related to human rights and freedoms do not always come to the Commissioner for approval. This problem is expected to be resolved by adopting a new version of the Law of Ukraine '[On the Ukrainian Parliament Commissioner for Human Rights](#)'.

### **Adequate resources**

On February 24, 2022, by the [Decree of the President of Ukraine](#), martial law was introduced in Ukraine due to the armed aggression of the Russian Federation against the sovereignty and statehood of Ukraine. In view of this, since the above date, the institution of the Commissioner has been operating with limited funding, which to some extent complicates the implementation of its functions.

The costs of the national preventive mechanism are financed by the state budget under the special programme CPCEC 5991020 'Measures to implement the national preventive mechanism' in accordance with the [Resolution of the Cabinet of Ministers of Ukraine of 06.03.2019 No. 169 'On Approval of the Procedure for Using Funds Provided for in the State Budget for Measures to Implement the National Preventive Mechanism'](#) and have been tending to decrease (by approximately 10%) over the past year.

The Report to the Government of Ukraine on the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to Ukraine from 16 to 27 October 2023 states that one of the key issues and challenges is the need to finally address the legal gap in the absence of a budget to cover the travel costs of NPM monitors. The Committee suggests that the Ukrainian authorities look for ways to resolve the above problems. With regard to the lack of funds for the transport of NPM monitors in particular, the Committee reiterates its reference to article 18(3) of the [Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), which requires States parties to allocate the necessary resources for the functioning of NPMs, as well as to paragraph 11 of the Guidelines on NPMs adopted by the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In line with international obligations and recommendations of the Government, a draft procedure for reimbursement of expenses incurred by representatives of NGOs involved in regular visits to the places specified in paragraph 8 of Article 13 of the Law of Ukraine '[On the Ukrainian Parliament Commissioner for Human Rights](#)' is currently being developed.

### **Functional immunity / Measures to protect NHRI staff**

In accordance with Article 20 of the Law of Ukraine '[On the Ukrainian Parliament Commissioner for Human Rights](#)', the Commissioner enjoys the right to immunity for the entire duration of his/her powers. In fact, this is one of the guarantees of independence of the institution and its staff from external influence of third parties, which is also in line with the UN Paris Principles. At the same time, Ukrainian legislation does not provide for immunity for the staff of the Commissioner's institution.

### **Threats faced by NHRIs**

Since 2022, the institution reports having faced threats.

It is worth noting that since February 24, 2022, martial law has been imposed in Ukraine due to the armed aggression of the Russian Federation against the sovereignty and statehood of Ukraine as it was mentioned above. Given this, since the above date, the staff of the institution has been under constant threat of attack by the Russian Federation, given the mandate of the body aimed at protecting human rights and freedoms on the territory of Ukraine, in particular, highlighting and counteracting the forced transfer and/or deportation of children to the temporarily occupied territories of Ukraine or to the Russian Federation and the abduction of Ukrainian civilians for their views and beliefs and the fabrication of politically motivated cases against them.

The recommendations made in the [2022 baseline report](#) are still relevant.

## **Ukraine 2025**

### **Information from: Ukrainian Parliament Commissioner for Human Rights**

## **Human rights defenders and civil society space**

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### **Laws and measures negatively impacting civil society and Human Rights Defenders**

The institution's human rights monitoring and reporting has found evidence of laws, policies and/or state measures that create barriers in access to information and law and policymaking processes.

The right to information in Ukraine is constitutional, however, it is not absolute and may be subject to restrictions in order to protect legally protected interests, in particular, national security, in accordance with the provisions of Article 34(3) and Article 64(2) of the [Constitution of Ukraine](#).

In connection with the introduction of martial law in Ukraine by [Presidential Decree No. 64/2022 of February 24, 2022](#), the issue of the balance between access to information and national security has become the biggest challenge in the field of access to public information.

The Russian Federation's systematic shelling of Ukrainian civilian and military infrastructure, cyberattacks on state registries, websites, and subversive activities of collaborators have become factors that have led to restrictions on access to public information by government agencies to protect the interests of national security and territorial integrity.

Undoubtedly, such restrictions on certain categories of information that are public within the meaning of the law are considered as a barrier to access to information.

### **NHRIs providing specific support to women human rights defenders (WHRDs) or LGBTQ+ human rights defenders**

In 2024, the [Expert Council on Equal Rights, Prevention of Discrimination, Domestic Violence and Human Trafficking](#) was established under the Representative (Deputy) of the Commissioner for Equal Rights and Freedoms, National Minorities, Political and Religious Beliefs.

This [Expert Council](#) includes, among others, representatives of civil society organizations whose areas of activity include the promotion of gender equality, protection against gender-based violence, and representation of the interests of LGBTQ+ people.

## **Practices negatively impacting civil society and human rights defenders**

### **Verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment**

During the reporting period, activists and journalists continued to be attacked and targeted by the Russian army. [In total, as of the end of 2024](#), at least 121 activists, volunteers, human rights defenders and journalists have been killed as a result of Russia's full-scale aggression against Ukraine, which began on February 24, 2024. These cases include both targeted attacks on media and civil society representatives, deaths in the line of duty, and indiscriminate attacks by the Russian Federation on the Ukrainian civilian population, which have also resulted in the deaths of activists, human rights defenders, volunteers and journalists.

### **Negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities of the occupied territories / strategic lawsuits against public participation**

At the same time, in 2022, [ZMINA](#) recorded 71 cases of persecution of civil society activists, human rights defenders, journalists and volunteers in the government-controlled territories of Ukraine: legal persecution - 31; cyber persecution - 1; discrediting - 2; threats or other forms of pressure - 18; obstruction of activities - 4; beatings, assaults - 9; damage or destruction of property - 3; violation of privacy, surveillance - 3.

In 2023, [ZMINA](#) recorded 50 cases of persecution of civil society activists, human rights defenders, journalists and volunteers in the government-controlled territories of Ukraine: legal persecution - 11; cyber harassment - 3; discrediting - 7; threats or other forms of pressure - 12; obstruction of activities - 6; beatings, assaults - 6; damage or destruction of property - 3; violation of privacy, surveillance - 2.

It is important to note that in 2024, the dynamics of persecution began to increase. In the first half of 2024 alone, from January to June, [ZMINA](#) recorded 46 cases of persecution of civil society activists, human rights defenders, journalists and volunteers in the government-controlled territories of Ukraine: legal persecution - 3; discrediting - 3; threats or other forms of pressure - 13; obstruction of activities - 13; beatings, assaults - 5; damage or destruction of property - 6; violation of privacy, surveillance - 3 (See the [report](#) by Zmina, page 45).

### **Initiatives, frameworks, or policies for the protection of human rights defenders existing at the national level**

No separate system of support for human rights defenders has been introduced in Ukraine. Instead, NGOs, with the support of international partners (primarily the European Commission), implement programs of legal, financial, and informational support for human rights defenders who have been attacked, forced to leave the temporarily occupied territories of Ukraine, etc. At the same time, back in 2021, a thematic [working group](#) "Protection of the Rights of Activists, Public Figures and Human Rights Defenders" was formed on the basis of the Prosecutor General's Office. After the large-scale invasion, the group continued its work. Representatives of civil society organizations, together with the PGO, regularly hold sectoral meetings on the investigation of criminal offences committed against activists and human rights defenders.

## **Activities of NHRIs to support civil society space and Human Rights Defenders**

### **Joint meetings and/or roundtables**

#### *Expert Councils*

The nine Representatives (Deputies) of the Ukrainian Parliament Commissioner

for Human Rights have Expert Councils, which are permanent advisory bodies established by the Commissioner on the proposal of the Representative to provide professional expertise and advisory support to the Representative's activities. The Expert Councils include leading experts in the relevant field of law, experts of human rights NGOs, charitable foundations, international organizations, as well as representatives of scientific and research institutions.

For example, in 2024, 3 meetings of the Expert Council under the Representative (Deputy) of the Commissioner for Social and Economic Rights were held. They considered the draft Labour Code of Ukraine, issues of social protection of persons with disabilities due to occupational injuries and diseases, and the right of citizens to a safe environment. Recommendations were developed for the authorised authorities.

#### [NPM's Ombudsman+ model](#)

The National Preventive Mechanism in Ukraine is a separate area of activity of the Ukrainian Parliament Commissioner for Human Rights and operates on the 'Ombudsman+' model. This model envisages that not only the Commissioner is involved in the process of monitoring the observance of human rights in places of detention, but also Representatives of civil society organizations who, having received certain rights from the Commissioner, can visit and monitor places of detention, the state of observance of human rights and freedoms in places of detention, and, if any, record certain problems. Representatives of civic organizations, experts, scientists and specialists engaged by the Commissioner to perform the functions of the NPM visit places of detention on the basis of a separate written order of the Commissioner.

In order to provide advisory support to the Ukrainian Parliament Commissioner for Human Rights in fulfilling the NPM functions in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commissioner's order established the Advisory Council on NPM (hereinafter - the Advisory Council).

At the meetings of the Advisory Council, the results of NPM visits, the status and results of consideration of the Commissioner's proposals and submissions, the completeness of elimination of identified violations and shortcomings, the causes and conditions that contributed to human rights violations, prevention of their commission, discussion of draft acts of the Commissioner, candidates for new public monitors, etc. are discussed.

At the Commissioner's initiative, joint events are held with civic organisations to discuss topical issues and problems related to the implementation of the national preventive mechanism, as well as to ensure the rights of citizens in various areas.

#### *Events with CSOs*

In addition, the Commissioner's Secretariat provides its space for events with civil society organisations.

### **Signature of Memorandums**

It is important to note that in order to organise cooperation, the Commissioner, the Head of the Commissioner's Secretariat and the Commissioner's Representatives (Deputies) sign Memorandums of cooperation with NGOs.

Under the memorandums, joint initiatives and projects are implemented, events are organized and held (conferences, seminars, round tables, trainings, education, meetings, other communication events, etc.), experts on specific issues are engaged as consultants, research and other activities are conducted to strengthen the capacity of the parties to the memorandum.

### **Monitoring visits**

When conducting monitoring visits on the observance of children's rights and freedoms by state authorities, local self-government bodies, enterprises, institutions and organisations regardless of their form of ownership, representatives of non-governmental organisations and experts are involved, with their consent, as public monitors. Such cooperation promotes the involvement of civil society and human rights defenders in the process of protecting children's rights and allows for the consideration of their expert opinion in the restoration of children's rights.

### **Promotion Campaigns**

To promote the activities of civil society representatives, the Child Rights Protection Center, which was opened on the initiative of the President of Ukraine in 2023, often becomes a venue for trainings, research presentations, press conferences and other events that promote the protection of children's rights.

Representatives of public organisations and scientific institutions, citizens of Ukraine, foreigners, stateless persons, legal entities and labour collectives of enterprises, institutions, organisations are awarded with the Commissioner's Gratitude, Certificate of Appreciation, Certificate of Honour and Distinction for outstanding charitable, humanitarian and public activities, significant contribution to the protection of human and civil rights and freedoms.

### **NHRI actions to protect civil society space and human rights defenders (HRDs)**

#### *Complaints handling*

In order to eliminate the violations of human and civil rights and freedoms revealed by the NPM visits, the Commissioner, pursuant to Article 15 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights",

makes submissions to the state authorities, local self-government bodies, associations of citizens, enterprises, institutions, organizations regardless of their form of ownership, their officials and officers.

If it is necessary to decide on the compliance with the Constitution of Ukraine (constitutionality) of a law of Ukraine or other legal act of the Verkhovna Rada (Parliament) of Ukraine, an act of the President of Ukraine and the Cabinet of Ministers of Ukraine, a legal act of the Autonomous Republic of Crimea, or an official interpretation of the Constitution of Ukraine, the Commissioner prepares a constitutional petition for submission to the Constitutional Court of Ukraine.

#### *Recommendations & opinions*

The Commissioner, guided by Article 22 of the [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) and Article 19-1 of the Law of Ukraine "[On the Ukrainian Parliament Commissioner for Human Rights](#)", prepares an annual special report on the state of affairs regarding the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Ukraine. Such a Report is sent to the President of Ukraine, the Verkhovna Rada (Parliament) of Ukraine and the Cabinet of Ministers of Ukraine in compliance with the legislation of Ukraine on information and is published in the media, after which the recommendations are brought to the attention and implementation of the relevant ministries, central executive authorities, regional military administrations, local governments, and other relevant entities.

#### *Monitoring*

In accordance with Article 13(8) of the Law of Ukraine "[On the Ukrainian Parliament Commissioner for Human Rights](#)", employees of the Commissioner's Secretariat have the right to visit places of detention without prior notice of the time and purpose of the visit. Based on the results of scheduled and unscheduled visits to NPMs, a report on the results of the visit to the place of detention is drawn up. One copy of the report is sent to state bodies, enterprises, institutions, organizations, regardless of their form of ownership.

Taking into account the results of the visit to the NPM, the Commissioner submits proposals to state authorities, enterprises, institutions, organizations, regardless of their form of ownership, on the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

The Ukrainian Parliament Commissioner for Human Rights constantly monitors violations of fundamental rights and freedoms by the Russian Federation in the temporarily occupied territories. Based on the results of the identified violations, the Commissioner's Secretariat constantly informs the international community and European agencies about such violations, recording them in annual and special reports - all available international response mechanisms

are used to prevent the continuation of restrictive practices by the Russian Federation.

### *Capacity building*

The Representative (Deputy) of the Commissioner for Equal Rights and Freedoms, National Minorities, Political and Religious Beliefs took part in the [Warsaw Human Dimension Conference](#) (30.09.2024-11.10.2024, Warsaw, Poland), where it was emphasised to the international community, among other things, that the persecution of the public sector and activists by the Russian Federation in the temporarily occupied territories is systematic.

In the context of military aggression and martial law in Ukraine, a large number of representatives of national minorities (communities) and indigenous peoples remain in the area of active hostilities and experience massive violations of human rights and freedoms on a daily basis - from campaigns of urban violence and "filtration" measures to cases of illegal abductions, torture, sexual and gender-based violence, illegal detention, murders and executions, politically motivated criminal prosecutions of civil society representatives.

## **NHRI's recommendations to national and regional authorities**

To national authorities:

- [The law enforcement system needs to develop an effective mechanism for cooperation and direct communication with representatives of human rights organisations. This mechanism should prevent cases of unjustified restriction of rights and persecution of civil society representatives. This mechanism should also be used by law enforcement agencies and human rights defenders to conduct an inventory of problematic criminal proceedings \(where the investigation was conducted at a low level or closed in violation of procedural law\) and reopen the investigation to ensure that the investigation is of high quality \(exhausting all appropriate investigative steps\) and that those responsible for persecution are brought to justice.](#)
- The authorities should more actively involve representatives of civic associations in the preparation of decisions concerning the rights and interests of citizens in a particular area, as well as conduct educational activities among them.
- Given the reduction of funding for civil society organisations, the state should ensure support for those CSOs that provide services, support the most vulnerable categories of the population, provide legal aid, etc.

To European actors:

- Continue to support civil society organisations that provide support to human rights defenders, activists and journalists.

## Ukraine 2025

### Information from: Ukrainian Parliament Commissioner for Human Rights

## Functioning of justice systems

### Independence and impartiality of judiciary

The independence of judges is an integral part of their status. It is a constitutional principle of the organisation and functioning of courts, as well as of the professional activity of judges, who are subject only to the law in the administration of justice. The independence of judges is ensured, *inter alia*, by guaranteeing funding and proper conditions for the functioning of courts and the activities of judges.

The constitutional principle of independence of judges ensures an important role of the judiciary in the mechanism of protection of rights and freedoms of citizens and is a guarantee of the right to judicial protection provided for in Article 55 of the [Basic Law of Ukraine](#). Any reduction in the level of guarantees of judicial independence contradicts the constitutional requirement to ensure independent justice and the right of citizens to protect their rights and freedoms by an independent court, as it leads to a restriction of the possibilities of exercising this constitutional right, and therefore contradicts Article 55 of the [Constitution of Ukraine](#).

Adequate financial support of both courts and judges, as well as court staff, is an integral part of both the independence of an individual judge and the independence of the entire judiciary. Inadequate remuneration of local and appellate court staff leads to staff turnover, which makes it difficult to fill vacant positions. This trend in recent years has led to an excessive workload for judges. The solution to this problem is also extremely urgent due to the gradual resolution of the judicial shortage.

### Delays in court proceedings

The prolonged vacancy of judicial positions is of significant importance (in December 2024, about 2,000 judges, in 2025 the projected number of vacant positions is 1 800), which creates a significant burden on the judicial system as a whole.

The powers of the High Council of Justice and the High Qualification Commission of Judges of Ukraine made it possible to launch competitive procedures for the positions of judges of local and appellate courts, as well as the High Anti-Corruption Court, and to complete a number of personnel procedures that had been suspended since November 7, 2019. However, the slow pace of qualification assessment and appointment to judicial positions is a problem in filling the courts with new high-quality personnel.

In total, between January and November 2024, the High Council of Justice decided to submit to the President of Ukraine proposals for the appointment of [464 judges](#). In May, July, October, and December 2024, the President of Ukraine issued 97 decrees appointing 460 judges to their positions. In July and December 2024, 385 judges of local courts swore allegiance to the Ukrainian people. At the same time, according to the HCJ, 256 judges were dismissed between January and November 2024. This indicates that the trend of judges leaving the judicial system continues.

The results of the monitoring of the observance of procedural rights in criminal proceedings, civil and administrative proceedings show that circumstances such as: the actual termination of work of some courts that are unable to administer justice due to Russian military aggression; problems with access to court premises, the territorial jurisdiction of which has been changed due to their location in the temporarily occupied territories or close to the area of active hostilities; lack of court staff and judges; systematic threats to life and health due to air attacks; logistical difficulties, which also cause a significant overload of the judicial system and lengthy court proceedings.

Risks of violation of the right to a trial within a reasonable time exist due to the inability to restore criminal case files that were lost or destroyed as a result of Russia's armed aggression against Ukraine and remained in the courthouses located in the temporarily occupied territory of Ukraine.

In addition, despite the adoption of [the Law of Ukraine 'On Amendments to Clause 2 of Section II 'Final and Transitional Provisions' of the Law of Ukraine 'On Liquidation of the District Administrative Court of Kyiv and Establishment of the Kyiv City District Administrative Court' regarding the consideration of administrative cases' of 16.07.2024 No. 3863-IX](#) (hereinafter – the Law No. [3863-IX](#)), the Kyiv District Administrative Court (hereinafter - KDAC) continues to have a significant number of cases received from the District Administrative Court of Kyiv (hereinafter - DACK) and which are subject to transfer to other district administrative courts, in accordance with [the Law No. 3863-IX, the Procedure for Transferring Cases Not Considered by the District Administrative Court of Kyiv, approved by the Order of the State Judicial Administration of 16.09.2024 No. 399](#), as well as in accordance with the schedule of transfer of court cases not considered by the DACK, approved by the acting Chief of Staff of the KDAC on 31.12.2024 No. 45-од/ка.

The lengthy transfer of cases by KDAC to other district administrative courts is, in particular, due to the shortage of court staff and excessive workload. The prolonged transfer of court cases to other district administrative courts violates the right to access to justice, as well as the right to a hearing within a reasonable time. In addition, the continuation of martial law on the territory of Ukraine, the temporary occupation of the territories of Ukraine, and the resulting decisions made by the High Council of Justice to change the territorial jurisdiction of courts, also affect the ability of citizens to exercise the right to access to justice and the right to a hearing within a reasonable time.

The above is confirmed by the Commissioner's receipt of citizens' appeals reporting on lengthy consideration of cases due to the temporary occupation of the territories, changes in the territorial jurisdiction of courts, as well as the lack of clear, effective and well-established mechanisms aimed at both the proper organisation of the transfer of court case files and verification of the fact of their transfer to other designated courts, as well as their receipt, in particular for the purpose of continuing consideration of cases.

#### *Examples of delays in court proceedings*

In the course of exercising the functions of the national preventive mechanism, the Ombudsman's Office studied cases of violations of the rights of patients in special mental health care institutions to liberty and security of person (Article 5 of the [Convention for the Protection of Human Rights and Fundamental Freedoms](#), Article 29 of the [Constitution of Ukraine](#)), which occur as a result of delays in court proceedings on the extension or termination of the application of compulsory medical measures to patients.

In accordance with Article 18 of the Law of Ukraine '[On Psychiatric Aid](#)', a person who has committed socially dangerous acts and in respect of whom compulsory medical measures have been applied by a court is discharged by a court decision. At the same time, some patients continue to be held in special psychiatric care facilities for a long time after the expiry of the court order on the appointment of compulsory medical measures due to the delay in the courts' decision to extend or terminate the application of these measures. Taking into account the practice of the European Court of Human Rights (e.g., case of [Cherednychenko v. Ukraine \(application No. 33630/17\)](#), such treatment may constitute a violation of the rights to liberty and security of person.

In addition, after the beginning of the full-scale invasion of the Russian Federation and the occupation of part of the territories of Ukraine, cases of destruction of court files or leaving them on the temporarily occupied territories are widespread, which, as noted above, has led to a problem of access to justice, in particular in cases of deprivation of parental rights.

According to the decision of the High Council of Justice, some of these cases were transferred to the court that is most geographically close to the court that

cannot administer justice or to another designated court. At the same time, the activities of the courts to which jurisdiction has been transferred are not properly organised, resulting in the lack of access to justice for guardianship and custody authorities. In the absence of materials, it is impossible to resume consideration of court cases, which does not allow for effective protection of children's rights. Also, in the absence of court decisions, children cannot be granted the appropriate status and therefore are deprived of the right to be placed in family-based care, full state support and benefits provided by law.

## **Professionalism, specialisation and training of judges**

At the same time, it should be noted that Ombudsman's Office has established communication with the courts on consideration of Ombudsman's letters.

Thus, on 27.11.2024, the Representative (Deputy) of the Commissioner in the Courts System and on the Right to Fair Trial and Representation in the Constitutional Court of Ukraine took part in the [conference](#) of the National School of Judges of Ukraine 'Communication in the Justice System' within the framework of the Training Programme for the heads and deputy heads of local general, economic and district administrative courts, courts of appeal, the High Anti-Corruption Court, and the Courts of Cassation within the Supreme Court.

## **Timely and effective execution of national courts' judgments**

The problem of timely and effective enforcement of national court decisions, delay and/or absence of publication of court decisions is related to untimely enforcement of court decisions and delay in sending court decisions for publication. The main reason for this is the heavy workload of judges and court staff, and the presence of unfilled positions for a long time.

In addition, citizens' appeals received during 2024, and the inspections conducted on them indicate that, as a result of the introduction of martial law in Ukraine due to the armed aggression of the Russian Federation against Ukraine, the right to enforce national court decisions has been violated.

For example, [Section XIX of the Instruction on Record Keeping in Local and Appellate Courts of Ukraine, approved by Order of the State Judicial Administration of Ukraine of 20.08.2019 No.814 \(hereinafter - the Instruction\)](#), provides that the execution and issuance of enforcement documents shall be carried out by the court that issued the relevant decision in paper or electronic form, in accordance with the procedure established by procedural law.

In addition, paragraph 12 of Section XI of [the Instruction](#) clearly defines the procedure for issuing copies of court decisions, if it is impossible to issue a copy in the court that issued the court decision. However, the legal regulation of the enforcement of court decisions of courts that cannot administer justice is not defined, nor is the procedure for issuing enforcement documents in cases

that were not received in paper form by the court that was assigned territorial jurisdiction of the cases. Thus, the result of the absence of a regulated procedure for the execution of enforcement documents in cases that have not been submitted in paper form to the court that has territorial jurisdiction over the case is a violation of the right to enforce national court decisions and the opening of enforcement proceedings, which is the final stage of court proceedings.

The lack of funds in the state and local budgets and budget programmes, in particular those provided for the enforcement of court decisions where the debtor is a state body, state-owned enterprise, institution or organisation, remains a problem of non-enforcement of national court decisions.

Furthermore, with regard to the non-enforcement or prolonged enforcement of national court decisions, the Ministry of Justice, together with other state bodies, reviewed and finalised the Action Plan for the Implementation of the National Strategy for Solving the Problem of Non-enforcement of Court Decisions, the Debtors of Which Are State Bodies or State-Owned Enterprises, Institutions, Organisations, for the period up to 2025, which was approved by the Cabinet of Ministers of Ukraine in September 2023. The Commissioner supports such actions of the Ministry of Justice. [Also in 2023, the Parliament of Ukraine registered a draft law aimed at improving the mechanism of judicial control over the enforcement of court decisions. In particular, this is the draft law 'On Amendments to Certain Legislative Acts of Ukraine on Improving Provisions on Judicial Control' \(reg. No. 9462\).](#) The draft law was supported by the Commissioner with certain reservations. In 2024, [the draft law was adopted as a Law](#) and entered into force on 19.12.2024.

### **Delay in and/or a lack of publication of judgments**

In Ukraine, there is still a problem of violation of the right of access to court decisions due to insufficient staffing of courts, high workload of judges and court employees, as well as the continuation of martial law in Ukraine, constant shelling by the aggressor and the lack of opportunities for courts to continue full-fledged work using computer equipment in the event of a power outage. And in cases where power outage schedules are introduced, even if there are several hours of light, courts have problems with Internet connection, which makes it impossible to work in the Electronic Court, in the relevant subsystems and with other servers.

In addition, citizens' appeals received during 2024, and the inspections conducted on them indicate that, as a result of the introduction of martial law in Ukraine due to the armed aggression of the Russian Federation against Ukraine, there is a violation of the right to get acquainted with court case materials or individual documents in the trial in electronic form.

The Ombudsman's Office found that the violation of the right to get acquainted

with the materials of a court case or individual documents in the trial in electronic form was also caused by the fact that scanners owned by some courts had software from the aggressor country installed on them, making it impossible to use such equipment. In addition, as a result of missile strikes by the Russian Federation, falling missile fragments and blast waves, court buildings and equipment are damaged and need to be repaired. For example. Since the financial and organisational support of courts is provided by the State Judicial Administration (SJA) of Ukraine, the Commissioner sent a letter to the Territorial Department of the SJA of Ukraine in Kyiv, in response to which a detailed report on the state of technical support of the Darnytsia District Court of Kyiv was received, in particular the number of computers, multifunctional devices, scanners and printers available, as well as on the repair work carried out in the court after it was damaged as a result of a missile attack by the aggressor state.

### **Optimisation of the court network**

The optimisation of the court network remains one of the most pressing and urgent [issues](#). According to part 1 of Article 125 of the Constitution of Ukraine, the general jurisdiction system in Ukraine is based on the principles of territoriality and specialisation.

In accordance with the adoption by the Parliament of Ukraine of Resolution No. 807-IX on July 17, 2020, the implementation of which led to a change in the administrative and territorial structure, the number of courts in Ukraine had to be brought in line with the number of newly created districts.

Subsequently, legislative amendments determined that the relevant local courts continue to exercise their powers within the territorial jurisdiction in force before the entry into force of the law of Ukraine on changing the system of local courts in Ukraine in accordance with the formation (liquidation) of districts, but not longer than one year from the date of termination or cancellation of martial law in Ukraine.

It is worth noting that the construction of the court network should be carried out in a systematic and comprehensive manner, since citizens are the end users of court services. When optimising the court network, it is necessary to take into account the infrastructure of the region, logistics, as well as the possibility of using IT technologies that have proven to be effective during martial law and, in particular, have not stopped the judicial process.

Changes in the court network in connection with the administrative-territorial reform will also make it possible to get rid of the names of courts associated with the communist regime and the aggressor state.

### **Absence of unified court practice on consideration of administrative offence cases drawn up by authorised persons of the Ombudsman's**

## Office

Authorised persons of the Ombudsman's Office draw up reports on administrative offences under Articles 188-39, 188-40 and 212-3 of the [Code of Ukraine on Administrative Offences](#).

The analysis of court decisions based on the results of consideration of administrative offence cases drawn up by the Ombudsman Office personnel shows ambiguity in the approach of judges to the process of their consideration, decision-making on determining guilt in case of closure of cases due to expiry of time limits, closure of cases in the absence of an administrative offence. In the period from 2022 to 2024, 9% of the materials of such administrative offence cases were returned by the courts for revision.

The [Code of Ukraine on Administrative Offences](#) clearly defines the criteria to be specified in protocols on administrative offences, but the system of national courts lacks a unified approach and a unified judicial practice when making decisions on returning administrative case files for revision.

In the period from 2022 to 2024, only 13.6% of the total number of first-instance court decisions were subject to appellate review. This low rate is primarily due to the lack of definition in the [Code of Administrative Offences](#) of the authorised persons of the Ombudsman's Office to draw up protocols on administrative offences as subjects of the right of appeal.

In order to improve the efficiency and quality of protocols on administrative offences, the right to draw up which is granted to authorised persons of the Ombudsman's Office, the relevant provisions of the [Code](#) need to be improved.

## Implementation by state authorities of European Courts' judgments

The Ombudsman believes that the enforcement of ECtHR judgments is one of the main conditions for further European integration processes. Therefore, access to justice in terms of proper enforcement of court decisions is one of the important areas in which the Ombudsman's Office exercises parliamentary control. As a result of systematic receipt of reports on violations of the right to proper enforcement of court decisions, the Office takes measures aimed at conducting inspections, which aim not only to identify and actually confirm the existence of such facts of violations of citizens' rights, but also to stop violations and prevent their further commission.

The main problem is the failure of national courts to comply with the time limits for consideration of court cases, in particular, reasonable time limits for court proceedings. In order to address this issue, the Office regularly monitors court hearings and sends the Commissioner's response acts to the court, emphasising the need to comply with both the time limits for consideration of cases and the time limits for procedural actions. In order to eliminate violations of citizens' rights by enforcement bodies, the Office is developing legislative

changes to the mechanism of control over the enforcement of court decisions.

## **NHRI actions to support implementation of the European Courts' judgments**

*Referring to the judgments of European Courts' in the reports and recommendations to state authorities*

References to the ECtHR judgments are reflected in:

- 1) constitutional petitions of the Commissioner to the Constitutional Court of Ukraine on the constitutionality of laws and other legal acts;
- 2) positions (conclusions) of the Commissioner on constitutional petitions and constitutional complaints being considered by the Constitutional Court of Ukraine;
- 3) submissions of the Commissioner to state authorities, local self-government bodies, citizens' associations, enterprises, institutions and organisations regardless of their form of ownership for taking appropriate measures to eliminate the identified violations of human and civil rights and freedoms;
- 4) the Commissioner's positions on draft legal acts being developed or submitted for consideration to the Parliament and the Government, on draft legal acts submitted to the Commissioner by rule-makers.

Example:

In January 2024, the Commissioner prepared comments and proposals based on the results of the review of the draft Law of Ukraine 'On Amendments to the Criminal Procedure Code of Ukraine on Improving the Conduct of Criminal Proceedings in the Absence of a Suspect or Accused (in absentia)', which was developed by the Head of the relevant parliamentary committee to implement a number of ECtHR judgments on trials in absentia;

- 5) developed proposals for improving existing laws and bylaws in criminal proceedings, civil and administrative proceedings, at the stage of enforcement proceedings, on the judiciary, observance of human rights in places of detention, aimed at ensuring the protection of human and civil rights and freedoms, preventing their violation or facilitating their restoration, for submission to the rule-making entities in accordance with the established procedure.

Example:

[On 11.01.2024, the ECtHR issued a decision in the case of Grygorov v. Ukraine \(application no. 44442/13\)](#), which stated that the Ukrainian legislation does not contain a provision that would be an exception to the rule and establish a ten-

day period for filing an appeal, regardless of the reasons given by the party to justify the filing of such an appeal with a delay.

Thus, the [Code of Ukraine on Administrative Offences](#) has problems with determining the time limits for appealing against a decision of a judge in administrative offences in the context of applying part 2 of Article 294 of the [Code of Ukraine on Administrative Offences](#). The ECtHR points to a violation of Article 6(1) of the [Convention](#) due to the delay in serving the first instance court's ruling, which deprives the applicant of the opportunity to file an appeal within the prescribed time limit (within ten days from the date of the resolution).

The imprecise wording of the [Code of Ukraine on Administrative Offences](#) leads to unequal application of the law by courts when deciding on the time limits for appeal: in some cases, the court indicates that the decision is subject to appeal within 10 days from the date of receipt; in other cases, from the date of issuance. Therefore, it is important to establish clear time limits for appealing and to define exceptions under which the time limits for appealing may be extended.

Accordingly, in April 2024, the Commissioner sent a letter to the relevant parliamentary committee with proposals for amendments to the [Code of Ukraine on Administrative Offences](#) to bring the legislation on administrative liability in line with the ECtHR judgment in the [case of Grygorov v. Ukraine](#).

### **Engagement with a national coordinator of the execution of judgments of the European Court of Human Rights**

Representation of Ukraine in the ECtHR, coordination of the execution of its judgments and informing on the progress of execution of the ECtHR judgments in cases to which Ukraine is a party are carried out by the Ministry of Justice in accordance with the established procedure through the Commissioner for the European Court of Human Rights.

In accordance with Article 5 of the Law of Ukraine '[On Execution of Judgments and the Application of the Case Law of the European Court of Human Rights](#)', within ten days of receiving notification of the ECtHR judgment becoming final, the Commissioner for the European Court of Human Rights sends a summary of the ECtHR judgment to the Ukrainian Parliament Commissioner for Human Rights. In the framework of cooperation, the Ombudsman also receives other statistical information.

Such cooperation takes place in two important areas:

- 1) interstate cases of Ukraine against Russia pending before the ECtHR;
- 2) implementation of the ECtHR judgments in Ukraine by state authorities.

The Ombudsman's Office provides constant communication and expert support in the framework of interstate cases of Ukraine against Russia. In particular, in matters related to violations of international humanitarian law by the Russian Federation in relation to Ukrainian prisoners of war, civilians and children.

In particular, the Ombudsman's Office provided information at the request of the Commissioner for the European Court of Human Rights on: 1) human rights violations by the Russian Federation during the full-scale invasion from the perspective of international humanitarian law (including violations of the rights of prisoners of war and civilian hostages, use of sexual violence, forced deportation of the population, forced passportisation, etc.), as well as illustrative examples of violations recorded in the course of the Ombudsman's work; 2) the mass murder of Ukrainian prisoners of war as a result of a terrorist attack in the village of Olenivka on the night of July 28-29, 2022; 3) the measures taken and continuing to be taken by Ukraine to return prisoners of war.

The landmark was the [ECtHR judgment on 25.06.2024 in the first interstate case 'UKRAINE v. RUSSIA \(RE CRIMEA\)'](#), in which the ECtHR stated a systemic violation of human rights and freedoms in the temporarily occupied Crimea of a long-term nature.

The Ombudsman's Office contributed to this historic process by providing the necessary materials to properly present the position of the Government of Ukraine in the case. Thus, in particular, the Court took into account numerous appeals of the Ombudsman of Ukraine to the Commissioner for Human Rights of the Russian Federation regarding violations of human rights and freedoms in the temporarily occupied Crimea. At the same time, the Russian Commissioner in most cases rejected the requests of the Ombudsman of Ukraine or reported that human rights and freedoms in the said territory were respected, without providing appropriate confirmation of this.

The information from the Ombudsman of Ukraine was considered by the ECtHR as evidence of the existence of serious and systemic violations of human rights and freedoms in the temporarily occupied Crimea. Repeated citations in the Annexes to the judgment and references to them in the judgment itself indicate that the ECtHR has fully investigated the cases of these violations recorded by the Ombudsman and attached them to the case (cases of Ukrainian political prisoners, in particular, the well-known journalist Sientsov, activists Klykh and Afanasyev, etc; cases of discrimination against the Crimean Tatar community and their persecution for their pro-Ukrainian views; cases of enforced disappearance of alleged opponents of the Russian occupation in Crimea; cases of persecution of members of the Hizb ut-Tahrir organisation).

The Court upheld the position of the Government of Ukraine that any courts hearing criminal cases in Crimea must be established in accordance with

Ukrainian law and must continue to apply Ukrainian law. The Russian government failed to prove that the application of Russian law was justified under international humanitarian law.

Therefore, the Court found that the judicial system functioning in Crimea after the so-called 'Accession Agreement' could not be considered 'established by law' within the meaning of Article 6 of the [Convention](#).

## **Engagement with courts**

In order to support the enforcement of court decisions, the Ombudsman's Office cooperates with courts in the context of consideration of citizens' appeals, which, in particular, raise the issue of violation of the right to receive enforcement documents necessary for initiating the process of court decision enforcement.

The cooperation consists of sending letters to the courts requesting assistance in resolving the issues raised by the applicants regarding the problem of obtaining enforcement documents.

## **Human rights education**

The Secretariat of the Ukrainian Parliament Commissioner for Human Rights, with the participation of human rights NGOs, conducts educational (awareness-raising) trainings for law enforcement officials to eliminate administrative practices that led to the recognition by the European Court of Human Rights of violations by Ukraine of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (general measures) (cases of [Burlya and Others v. Ukraine](#), application No. 3289/10; [Fedorchenko and Lozenko v. Ukraine](#), application No. 387/03).

During 2024, [3 trainings](#) were held with representatives of the National Police of Ukraine to build mutual understanding and trust between Roma communities and local police, to overcome discriminatory practices against the Roma national minority (community).

[The Special Report of the Ukrainian Parliament Commissioner for Human Rights on the observance of the rights of national minorities \(communities\) and indigenous peoples in the conditions of the armed aggression of the Russian Federation against Ukraine for the period from 24 February 2022 to 31 December 2023](#) also provides recommendations to the National Police of Ukraine:

- to develop and implement a methodology for documenting hate crimes and criminal hate expressions and ensure the detection and registration of such crimes, including through the creation of a comprehensive disaggregated data collection system;

- to ensure the strengthening of the capacity of law enforcement officers to investigate hate crimes and criminal expressions of hate, in particular online;
- to ensure systematic and regular training activities for law enforcement officers on the issues of ensuring the rights of persons belonging to national minorities (communities) and indigenous peoples, educational activities to combat hate speech and negative ethnic stereotypes regarding national minorities (communities) and indigenous peoples.

## References to the judgments of the European Court of Human Rights

References to the judgments of the European Court of Human Rights (hereinafter referred to as the ECtHR) are actively used in the preparation of the Annual Report of the Ukrainian Parliament Commissioner for Human Rights on the State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine, in reports on the results of visits of the national preventive mechanism, as well as in the Commissioner's special report, which helps to raise public awareness of human rights protection and the authorities' attention to the obligation to comply with the ECtHR judgments.

Example:

In the Commissioner's Annual Report on the State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine in 2023, [in section 10 \(Ensuring equal rights and freedoms\)](#), the Commissioner emphasised the need to implement the ECtHR judgment of June 1, 2023, in [the case of Maymulakhin and Markiv v. Ukraine](#), in which the Court found that the unjustified denial of legal recognition and protection of any form to applicants from Ukraine, as compared to different-sex couples, constitutes discrimination against applicants on the basis of their sexual orientation.

## NHRI's recommendations to national authorities

To national bodies, namely:

1. The High Qualification Commission of Judges of Ukraine and the High Council of Justice - when making decisions on the organisation of work of individual courts, "leveling" the judicial workload, to take into account the need for the state to ensure the right of litigants to a trial within a reasonable time, in particular in court cases that have been in proceedings for a long time;
2. the State Judicial Administration of Ukraine and the High Council of Justice - in view of the martial law regime in Ukraine, to develop effective mechanisms that would allow for the proper organization of the transfer of case files from courts located in the occupied territories, as well as verification of the fact of their transfer to other designated

courts, and their receipt, in particular, for the purpose of continuing the consideration of cases. One of the key elements of such a mechanism should be the stage of advance decision-making on changing the territorial jurisdiction of the court. That is, the transfer of court cases should take place not at the time of a critical situation and the advance of the occupation forces, but at the time of the threat of their approach. Early decision-making on the transfer of case files from the territory close to the combat zone and threatened by occupation will ensure that case files are removed from the courts and transferred to other courts, and will allow for the continuation of the proceedings to prevent violations of the right of citizens to access to justice and to have their cases heard within a reasonable time;

3. the High Qualification Commission of Judges of Ukraine - to reduce the timeframe for the selection of judges;
4. the High Council of Justice - to adhere to reasonable timeframes for consideration of materials submitted to the President of Ukraine on the appointment of judges;
5. the High Council of Justice and the State Judicial Administration - to focus on the formation of a network of courts in accordance with the administrative-territorial structure of the state in accordance with the [Resolution of the Verkhovna Rada \(Parliament\) of Ukraine “On the Formation and Liquidation of Districts” of 17.07.2020 No. 807-IX](#) and taking into account the results of the audit of the functioning network of local courts, economic feasibility and the need to ensure acceptable conditions for access to justice for members of territorial communities, taking into account the number of judges;
6. the Verkhovna Rada (Parliament) of Ukraine - to adopt the Law “On Amendments to the Criminal and Criminal Procedure Codes of Ukraine on Improving the Procedure for Conducting Criminal Proceedings under Martial Law” (Reg. No. 11265 of 16.05.2024);
7. The Ministry of Finance of Ukraine - to expand funding for budget programs that are to be used to enforce court decisions.
8. To the Ministry of Justice of Ukraine - to develop and submit to the Cabinet of Ministers of Ukraine a draft law amending the Law of Ukraine `On Free Legal Aid` to supplement the list of subjects entitled to free secondary legal aid with the category of victims of hate crimes (recommendation is implemented, [the relevant law adopted on 05.12.2024](#)).
9. To the State Migration Service - to develop and submit for approval to the Cabinet of Ministers of Ukraine a concept for the creation of a “Register of Persons Lacking Identity and Citizenship Documents” and a procedure for issuing temporary certificates to undocumented persons for the period of their documentation by the State Migration Service of Ukraine and judicial authorities; to create a working group with the involvement of the public sector and develop a concept for intensifying

the process of providing representatives of vulnerable groups, including Roma, with identity and citizenship documents.

## Ukraine 2025

### Information from: Ukrainian Parliament Commissioner for Human Rights

#### Media freedom, pluralism and safety of journalists

Based on the NHRI's human rights monitoring and reporting, the significant challenge affecting media freedom is access to public interest information/documents.

Ukrainian legislation does not provide an exhaustive definition of 'publicly important information' but only provides certain [criteria](#) for assessing the public interest in specific information.

Such flexibility of the concept of publicly important information allows the administrators to independently assess the existence of public interest in obtaining certain information by requesters in each specific case, which calls into question the objectivity of the results of the analysis.

Given that the determination of the public interest is a [necessary component](#) of the procedure for restricting access to public information as defined by law, there is reason to believe that the results of restricting access to public information may be disproportionate in certain cases.

## Ukraine 2025

### Information from: Ukrainian Parliament Commissioner for Human Rights

#### Other challenges to the rule of law and human rights

##### Rights and rehabilitation of veterans of war

In the context of the large-scale armed aggression of the Russian Federation on

the territory of Ukraine, new challenges have arisen, in particular, in terms of ensuring the rights of veterans.

Today, there is high uncertainty about the duration of the war and the number of citizens who will need state care. The total number of war veterans, family members of those killed, and persons with disabilities caused by the war in Ukraine is over 1.3 million, and further Russian aggression may lead to an increase in the veteran community (see: [Veteran Policy Strategy for the Period up to 2030](#)).

Currently, support for veterans, their families, and families of fallen defenders is provided in the form of benefits and services provided by 22 central executive authorities, which are governed by more than 150 regulations. Ukraine has created and operates an extensive network of rehabilitation institutions of various forms of ownership and departmental affiliation that provide services to people with disabilities. However, the existence of significant problematic issues in this area does not allow to fully provide affected servicemen and women with proper rehabilitation services, namely: certain fragmentation of the rehabilitation process; lack of state capacity to provide adequate funding in the field of veteran policy; lack/insufficient number of specialists in the field of rehabilitation and insufficient level of training of relevant personnel, etc.

The issues of rehabilitation of servicemen and veterans are under constant attention of the Commissioner.

In particular, work is underway to bring the regulatory framework in line with the current needs of veterans, to create decent conditions for adaptation, rehabilitation, development and welfare of veterans. First of all, this concerns the Law of Ukraine ["On the Status of War Veterans, Guarantees of Their Social Protection"](#) adopted in 1993. The new `veterans` draft law was developed and is being improved by the Ministry of Veterans Affairs of Ukraine with the active assistance of the Ombudsman's Office.

Representatives of the Ombudsman's Office are constantly involved in addressing the rehabilitation of servicemen and women and veterans in Ukraine. In particular, the working groups of the Parliamentary Committee on Social Policy and Veterans' Rights are improving the mechanisms for providing prostheses, psychological assistance to servicemen and veterans, introducing new methods of rehabilitation, and providing palliative care to wounded Ukrainian defenders who need outside care.

The Cabinet of Ministers of Ukraine approved the [Veterans Policy Strategy for the Period up to 2030](#) developed by the Ministry of Veterans Affairs and approved by the Commissioner, and approved an operational plan for its implementation in 2024-2027.

In addition, the Ministry of Social Policy of Ukraine initiated the creation of a [Centralised Data Bank on Disability Issues](#), which provides for the creation of a register of rehabilitation institutions in Ukraine, regardless of their subordination and ownership. The relevant government resolution is already being approved by the relevant state institutions.

## **Enforcement of decisions of the Constitutional Court**

The issue of enforcement of decisions of the constitutional court - the Constitutional Court of Ukraine - remains relevant. The implementation of such decisions at the state level is not supported by either a regulatory framework or a practically developed system of procedures that would determine the procedure for their implementation. The reason for the low level of enforcement of such decisions is also the lack of real means of control over their implementation.

The Commissioner's monitoring has established that the legislator does not take into account the conclusions of the Constitutional Court of Ukraine when formulating state policy in a particular area.

Thus, despite the existence of conclusions of the Constitutional Court of Ukraine that the laws of Ukraine on the state budget for the respective year cannot regulate legal relations regulated by special legislation, the legislator annually resorts to the practice of changing approaches to social protection policy through this law, rather than by amending the basic laws in the field of social protection.

An example of such a situation is the provisions of the [Law of Ukraine 'On the State Budget for 2024'](#), which determined the estimated value for calculating the amount of pension supplement for unemployed citizens permanently residing in the zone of radioactive contamination caused by the Chornobyl disaster, which is regulated by special legislation - the [Law of Ukraine 'On Status and Social Protection of Population Suffered from Chornobyl Catastrophe'](#).

On 5 September 2024, the Commissioner filed a constitutional petition with the Constitutional Court of Ukraine to declare these provisions of the law unconstitutional. On 18 September 2024, the Court opened constitutional proceedings and on 1 October 2024 determined to consider the case in the form of written proceedings. On 28 November 2024, the case was considered in written proceedings at the open part of the plenary session of the Grand Chamber of the Court. The Court examined the case file in the open session and moved to the closed session of the plenary to further discuss issues related to the constitutional proceedings in this case and to make a decision. The decision is expected.

Despite this, the practice of resolving problematic issues of social protection of

citizens in an unlawful manner was continued in the [Law of Ukraine 'On the State Budget for 2025'](#). The Commissioner's control over the settlement of this situation continues.

### **Civilians deprivation of liberty under martial law**

In the context of challenges and threats of martial law, particularly vulnerable categories of citizens have emerged whose rights require increased attention from the state. One of these categories is civilians who have been deprived of their personal liberty as a result of the armed aggression against Ukraine and their family members.

In the course of the parliamentary control over the observance of the rights of such persons, the Commissioner found out problematic issues regarding the absence of:

- legislative regulation of the establishment of disability for released civilians due to deprivation of personal liberty as a result of armed aggression against Ukraine;
- a mechanism for providing temporary housing.

As a result, the Commissioner initiated amendments to the legislation and ensured the rights of civilians, in respect of whom the deprivation of personal liberty as a result of armed aggression against Ukraine was established, to:

- Establishment of disability due to deprivation of personal liberty (adopted by [Law of Ukraine No. 4170-IX of December 19, 2024](#));
- provision of temporary housing (adopted by the [Government Resolution No. 1350 of November 26, 2024](#)).

### **Violation of children's fundamental rights under martial law**

In the context of the full-scale invasion of Ukraine by the Russian Federation, the fundamental rights of children guaranteed by both Ukrainian national legislation and international legal instruments ratified by Ukraine are being violated, which negatively affects the rule of law in Ukraine.

In particular, referring to violations of such fundamental rights as the right to life, the right to personal safety, the right to education, and the right to protection from violence, including physical and psychological abuse. Armed conflicts, shelling and hostilities pose threats to the lives and health of children and parents, and lead to the destruction of housing and infrastructure, including educational and medical facilities.

For example, according to the [Children of War online platform](#), as of February 28, 2025, 599 children were killed and 1771 children were injured. This data cannot be considered final, as work is ongoing to establish the facts of crimes committed in the areas of active hostilities, in the temporarily occupied and de-

occupied territories.

According to human rights organisations, there are about 1.6 million children in the temporarily occupied territories of Ukraine who are under constant threat of deportation and forcible displacement.

According to the National Information Bureau, since 24 February 2022, 19,546 children have been deported from Ukraine to the Russian Federation. At the same time, the report of the Russian Presidential Commissioner for Children's Rights, Maria Lvova-Belova, mentioned more than 700,000 Ukrainian children who crossed the border with Russia.

According to open sources, the occupation authorities are implementing a coordinated strategy aimed at the mass deportation of Ukrainian children. The Russian authorities militarise the educational process in the temporarily occupied territories of Ukraine, teach children the basics of military service and propaganda narratives, expose them to ideological influence and make them forget their nationality, and give Ukrainian children for adoption to Russian citizens, while changing their personal data, which violates their rights. The consequences of the prolonged stay of Ukrainian children in the temporarily occupied territories and the Russian Federation are described in detail in the Special Report of the Ukrainian Parliament Commissioner for Human Rights 'CROSS-POLLINATED. Russia's systemic policy of destroying Children's Ukrainian identity'.

The Commissioner's Secretariat, together with other actors, is involved in the search, return, social protection and reintegration of children deported or forcibly displaced and those at risk of deportation or forcible displacement as a result of the armed aggression of the Russian Federation against Ukraine, in accordance with the Procedure for the Identification and Return of Children Deported or Forcibly Transferred as a Result of the Armed Aggression of the Russian Federation against Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 551 of 14 May 2024. At the same time, at the initiative of the Representative (Deputy) of the Commissioner for the Rights of the Child, amendments to the Procedure were developed to improve cooperation and are currently under consideration by the Government.

Work is underway to return deported and forcibly displaced children to the territory controlled by Ukraine within the framework of Point 4 of the Presidential Peace Formula, for which the Commissioner is responsible. The initiative 'Bring Kids Back UA' is being implemented and the International Coalition for the Return of Ukrainian Children, which has already united 42 members, as well as 4 states and the EU as observers, is successfully operating.

Thanks to the mediation efforts of the intermediary country Qatar, the support of NGOs and human rights defenders, as of February 28, 2025, 1233 children

have been returned by the Ukrainian side. [After physical return, the children are taken to the Child Rights Protection Center, which operates under the Commissioner's Secretariat, where reintegration processes begin.](#) A multidisciplinary team of specialists from the Commissioner's Office, law enforcement officials, social workers, psychologists, and specialists from partner NGOs works with children. If necessary, representatives of the International Criminal Court, the UN Monitoring Mission, etc. are involved in the process.

### **Protection of the rights and interests of children temporarily displaced (evacuated) outside Ukraine**

Another problem in the area of the rule of law is the protection of the rights and interests of children temporarily displaced (evacuated) outside Ukraine. Thus, since the beginning of the full-scale invasion of Russia, 4,748 children have been temporarily displaced (evacuated) abroad, including to the Republic of Austria, the Federal Republic of Germany, the Republic of Poland, the Swiss Confederation, the Kingdom of Spain, and the Republic of Türkiye, in order to save their lives and health.

In 2024, the Commissioner approved the [Regulations on organising and conducting monitoring visits on the observance of the rights and freedoms of children temporarily displaced \(evacuated\) outside Ukraine during martial law](#), according to which representatives of the Commissioner's Secretariat monitored the observance of the rights of children temporarily displaced (evacuated) outside Ukraine by monitoring their conditions of stay outside Ukraine in order to ensure their rights, interests and needs in compliance with social standards in the country of residence.

In 2024, the staff of the Commissioner's Secretariat conducted monitoring visits to the Republic of Türkiye, the Republic of Poland, the Republic of Austria, and the Federal Republic of Germany to assess the observance of the rights of children temporarily displaced (evacuated) from institutional facilities. Within the framework of parliamentary control, monitoring groups established by the Ministry of Social Policy of Ukraine monitored the observance of the rights of children temporarily displaced (evacuated) to the Republic of Italy, the Republic of Romania, the Republic of Türkiye, the Republic of Poland, the Swiss Confederation and the Republic of Austria. Pursuant to the recommendations made by the Commissioner following the monitoring visits, an individual assessment of the needs of children was carried out with a view to their subsequent return to the territory of Ukraine to family-based care.

At the same time, during such monitoring visits, in some cases, Ukrainian delegations (including representatives of diplomatic missions) were not allowed to visit institutions that were temporarily relocated (evacuated) outside Ukraine, making it impossible to monitor the observance of children's rights.

The monitoring also revealed a systematic pattern of decisions by the judicial or administrative authorities of the countries of residence of the child to appoint guardians from among the citizens of such countries, refusal to allow temporarily displaced (evacuated) Ukrainian children to return to the territory of Ukraine (even when such return is planned to the family of the child's official representatives, designated by the competent authorities of Ukraine), separation of children from accompanying persons and other children (including siblings) which makes it impossible for Ukrainian children to return to the territory of Ukraine and be placed in family-based care.

The Commissioner's Secretariat receives appeals regarding the systematic non-enforcement of court decisions on the participation of one of the parents in the upbringing of the child (including unimpeded communication with the child) and determination of the child's place of residence. It should be noted that in the course of parliamentary oversight, the negative social phenomenon of 'parental kidnapping' was identified as a complex problem. Thus, Ukrainian legislation does not provide for liability for illegal change of place of residence of a child by one of the parents, hiding the child from the other parent and obstructing or prohibiting communication with the child by the other parent.

To address this negative phenomenon, the Representative of the Commissioner for the Rights of the Child initiated the establishment of a Working Group, which includes representatives of other state bodies, working to improve the current legislation on parental kidnapping.

The Working Group is currently working on comprehensive amendments to Ukrainian legislation to improve the legal mechanism for determining the child's place of residence and the ways of participating in the child's upbringing and to ensure an effective mechanism for returning the child to the previous place of residence if the child's place of residence was changed unauthorisedly by one of the parents.

Also, in the context of addressing these issues, an important aspect is the development of mediation as a way to resolve family conflicts (disputes) concerning the interests of children.

### **Conflict-related sexual violence**

Despite the martial law on the territory of Ukraine, the Ukrainian Parliament Commissioner for Human Rights continuously performs his duties and fully exercises his powers to protect and restore the rights of citizens who have suffered from domestic violence, human trafficking, as well as to respond to cases of sexual violence related to the armed aggression of the Russian Federation against Ukraine.

The armed conflict in Ukraine, which has been ongoing since 2014, has led to a significant increase in cases of sexual violence. In the context of the armed

conflict, sexual violence has become a part of war crimes, human rights violations, and a weapon of war aimed at intimidating the civilian population.

Despite the armed aggression of the Russian Federation against Ukraine, 24 regional offices of the Commissioner are operating. In accordance with their tasks, they are among the first to come into contact with residents of the de-occupied regions and those who managed to leave the occupation and with persons who may have suffered from the CRSV.

The Representative (Deputy) of the Commissioner for Equal Rights and Freedoms, Rights of National Minorities, Political and Religious Beliefs is a member of the [Pilot Project on Immediate Interim Reparations for Victims of Sexual Violence Related to the Aggression of the Russian Federation against Ukraine](#), implemented by the [Global Survivors Fund](#).

In 2024, 21 people applied to the Commissioner for participation in the Pilot Project to receive immediate interim reparations.

### **Measures taken to follow up on the recommendations concerning other areas of the rule of law (such as checks and balances, anti-corruption), issued by European actors**

On 8 November 2023, Ukraine's first [Progress Report](#) under the EU's Enlargement Package was published, which contained a number of recommendations in the area of reforms. It is within Cluster 1 'The Fundamentals of the Accession Process' that the Rule of Law and Fundamental Rights block covers Chapters 23 'Judiciary and Fundamental Rights' and 24 'Justice, Freedom and Security', which contain a number of recommendations from the European side in the area of reforms.

In order to implement certain recommendations of the European Commission within the framework of the Enlargement Package, the Cabinet of Ministers of Ukraine adopted and approved on 9 February 2024 the [Action Plan for the Implementation of the European Commission's Recommendations presented in the Ukraine's Progress Report under the EU Enlargement Package 2023](#) (hereinafter referred to in this Clause as the Action Plan).

The European Commission has provided a number of recommendations in the area of anti-corruption, for the implementation of which the Action Plan provides for a number of measures, in particular:

- to develop and submit to the Cabinet of Ministers of Ukraine a draft law on amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine to improve the efficiency of anti-corruption bodies in performing their functions aimed at fulfilling the tasks of criminal proceedings in order to improve the regulation of plea agreements;

- ensure support for the Verkhovna Rada (Parliament) of Ukraine in its consideration of the [draft Law of Ukraine 'On Amendments to Article 31 of the Criminal Procedure Code of Ukraine on Improving the Procedure for Conducting Criminal Proceedings by the High Anti-Corruption Court'](#) ([registration number 10178](#));
- to take measures to restore the activities of the Public Council of International Experts, which is established by the High Qualification Commission of Judges;
- and other measures, 8 in total, envisaged by the Anti-Corruption Block of the Action Plan.

In 2024, the Ukrainian Government submitted two reports on the progress in the implementation of the action plan in line with the European Commission's recommendations under the EU Enlargement Package.

## **NHRI's recommendations to national and regional authorities**

- To promote collective efforts to ensure the return of Ukrainian children to the territory of Ukraine who have been temporarily displaced (evacuated), deported and/or forcibly transferred.
- [The Special Report of the Ukrainian Parliament Commissioner for Human Rights on the observance of the rights of national minorities \(communities\) and indigenous peoples in the conditions of the armed aggression of the Russian Federation against Ukraine for the period from 24 February 2022 to 31 December 2023](#) makes the following recommendations:
  - To the Verkhovna Rada (Parliament) of Ukraine - to continue the development of comprehensive anti-discrimination legislation in accordance with the recommendations of the OSCE, the UN Human Rights Committee on countering hate speech and hate crimes in Ukraine;
  - To the Ministry of Education and Science of Ukraine - to ensure the further implementation of cumulative multilingual education and the scaling of relevant practices in schools with teaching in the languages of national minorities (communities) of Ukraine in dialogue with persons belonging to national minorities (communities);
  - To the Cabinet of Ministers of Ukraine - to ensure a systematic dialogue with organisations of national minorities (communities) and indigenous peoples, promote the strengthening of participation of persons belonging to national minorities (communities) and indigenous peoples at the national and

regional levels in the processes of policy formation and implementation in the field of international relations, national minorities (communities) and protection of the rights of the indigenous peoples of Ukraine, through the development of relevant consultative and advisory bodies.

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