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Contact: Zoe Bryanston-Cross
Tel: 03.90.21.59.62

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DH-DD(2022)86

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Meeting:	1428th meeting (March 2022) (DH)
Item reference:	Action Plan (17/01/2022)

Communication from Ukraine concerning the case of FEDORCHENKO and LOZENKO v. Ukraine (Application No. 387/03)

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Réunion :	1428e réunion (mars 2022) (DH)
Référence du point :	Plan d'action (17/01/2022)

Communication de l'Ukraine concernant l'affaire FEDORCHENKO et LOZENKO c. Ukraine (requête n° 387/03) ***(anglais uniquement)***

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DGI
17 JAN. 2022
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

МІНІСТЕРСТВО ЮСТИЦІЇ УКРАЇНИ
вул. Архітектора Городецького, 13,
м. Київ, 01001, Україна
тел.: (044) 364-23-93
факс: (044) 271-17-83
E-mail: callcentre@minjust.gov.ua,
themis@minjust.gov.ua,
Web: http://www.minjust.gov.ua
код згідно з ЄДРПОУ 00015622

MINISTRY OF JUSTICE OF UKRAINE
13, Horodetskogo Arkhitektora St., Kyiv,
01001, Ukraine
tel.: (044) 364-23-93
fax: (044) 271-17-83
E-mail: callcentre@minjust.gov.ua,
themis@minjust.gov.ua,
Web: http://www.minjust.gov.ua
код згідно з ЄДРПОУ 00015622

Ms Clare Ovey

Head of Department
Department for the execution of judgments of the European Court of Human Rights Directorate General 1 – Human Rights and Rule of Law

Council of Europe
F-67075 Strasbourg Cedex

As to the execution of the Court's judgments in the Fedorchenko and Lozenko group of cases

Dear Madam,

Herewith please find enclosed the Government of Ukraine Updated Action Plan for the execution of the European Court's of Human Rights judgments in the *Fedorchenko and Lozenko* group of cases (application no. 387/03, judgment final on 20/12/2012).

This information has been sent by e-mail.

Encl: on 10 pages.

Yours faithfully,

Olga DAVYDCHUK
Acting Agent before
the European Court of Human Rights

СЕД АСКОД
Міністерство юстиції України
№ 5416/5.2.1/-22 від 17.01.2022
Підписувач Давидчук Ольга Василівна
Сертифікат 58E2D9E7F900307B04000000D76B1700BB228A00
Дійсний з 23.10.2020 0:00:00 по 23.10.2022 0:00:00

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Execution of Judgments of the European Court of Human Rights

DGI
17 JAN. 2022
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

Updated Action Plan on measures to be taken for implementation of the Court's judgments in the *Fedorchenko and Lozenko* group of cases

(application no. 387/03, judgment final on 20/12/2012)

I. Case summary

This group of cases mainly concerns the lack of effective investigations into violent acts against the applicants, including into the possible motives of racial or religious hatred behind the attacks.

In *Fedorchenko and Lozenko* case the Court found that the authorities failed to investigate the deaths of the applicants' Romani-origin relatives caused by an arson attack on their house in October 2001.

In *Grigoryan and Sergeyeva*, the Court found that the applicant, of Armenian origin, had been subjected to ill-treatment by police in 2010 and that the authorities had failed to effectively investigate that ill-treatment (violation of Article 3 in both procedural and substantive limbs).

In *Burlya*, the Court found that the domestic authorities had failed to take any measures to protect the homes of the applicants, of Roma origin, from an attack in 2002 without any objective reason for their inaction, which constituted degrading treatment. The authorities also failed to conduct an effective investigation into the attack (substantive and procedural violation of Article 3 taken in conjunction with Article 14). The Court also considered that the invasion and ransacking of the Roma homes and the damage caused to the houses constituted grave and unjustified interferences with the applicants' right to respect for their private and family life and home (Article 8 in conjunction with Article 14).

In *Kornilova* and in *Zagubnya and Tabachkova*, where the applicants, Jehovah's Witnesses, had been attacked during door-to-door visits in 2013 and 2009 respectively, the Court found that the domestic authorities had failed to properly investigate motives of religious hatred and to reason their decisions limiting the investigation to "inter-personal" motives (procedural violation of Article 3 taken in conjunction with Article 14).

In *Migoryanu and Religious Community Jehovah's Witnesses of the City of Izmail*, the Court found that the authorities' failure to effectively investigate a disruption of a religious celebration which happened in 2012 had been in breach of the positive obligation to ensure mutual tolerance between opposing religious groups (violation of Article 9).

In *Pastrama*, the Court concluded that the authorities' failure to effectively investigate a destruction of a Roma encampment in 2012, including possible involvement of the state agents, had been in breach of the positive obligation to ensure effective respect for the private life of the applicant who lived in the encampment and witnessed its destruction (violation of Article 8).

II. Individual measures

- ***Just satisfaction***

Further to their previous action plan of 23 April 2021[1], the Government of Ukraine would like to provide information as regards the results of the enforcement proceedings in *Kornilova* case. After

[1] https://hudoc.exec.coe.int/eng#{%22EXECIdentifier%22:[%22DH-DD(2021)425E%22]}

settling all formal issues related to inheritance, the just satisfaction in amount of EUR 1 200 awarded to the applicant by the Court, was transferred to her heirs, Victoria Yarosh and Yana Kornilova, UAH 20 274,78 – to each of them, on 17 and 25 November 2021 respectively. In this case the enforcement proceedings were terminated.

In the Court's judgment in *Pastrama* case the Court awarded the applicant's heirs (her children), Ms Yelyzaveta Oleksandrivna Pastrama, Ms Kateryna Oleksandrivna Pastrama and Mr Oleksandr Oleksandrovych Pastrama, jointly just satisfaction in the amount of EUR 2 700 in respect of non-pecuniary damage. The sums in the amount of EUR 900 (UAH 29 111,67) were transferred to their bank accounts on 13 July 2021 (payment order of 8 July 2021). The Court also awarded EUR 3 183, in respect of costs and expenses, to be paid directly into the bank account of the applicant's representative, Ms Sapozhnikova. The awarded sum (UAH 102 958,27) in full was paid on 13 July 2021 (payment order of 8 July 2021). As of today, the issue regarding payment of the simple interest is being considered.

- ***Restitutio in integrum: Investigations***

1. <u>Fedorchenko and Lozenko case</u>

Following to the information provided in their recent communication, the Government of Ukraine would like to note that as regards involvement of the Major I. to the attacks on applicants' house, during 2020 and 2021 investigator of the Territorial Department of the State Bureau of Investigations (the **"SBI"**) in Poltava was taking measures to interrogate Major I. However, it was established that in 2008 he resigned from the police, and since 2009 he has not lived in Kremenchug. It was also found out that on 21 December 2016, Mr I. crossed the entry-exit checkpoint in the direction of the Autonomous Republic of Crimea. In this regard, the Government has no possibility to establish his location as these territories are out of the governmental control.

On 13 May 2021, the police officers of the Dnipropetrovsk Department of the Internal Security Department of the National Police were instructed to interrogate the applicant, Yuriy Fedorchenko, about the circumstances of the arson of his house in October 2001. However, this was impossible due to his death.

In addition, some investigative actions failed due to the expiration of the storage period of core documents, including the refusal to initiate criminal proceedings against Major I.

Given the above, the pre-trial investigation did not confirm information about involvement of the Major I. to the attacks on applicants' house. Therefore, on 29 October 2021 the investigator of the Territorial Department of the SBI in Poltava terminated the criminal proceedings due to the lack of elements of crime. The Government would like to underline that the criticisms of the initial investigations can no longer be rectified given that the events took place in 2001 and that the crime has been time-barred.

Given the objective obstacles to the impossibility of conducting a comprehensive re-investigation following the Court's Judgment (including passage of time and death of the applicant) and taking into account that the guilty persons have served their sentences (see para 28), the Government ask the Committee of Ministers to close supervision in this case.

2. <u>Grigoryan and Sergeyeva case</u>

The Territorial Department of the State Bureau of Investigations in Kyiv carries out pre-trial investigation in criminal proceedings on the grounds of the alleged committed crime under Article 365.1 (Excess of power or official authority by a law enforcement officer) of the Criminal Code of Ukraine (**the "CCU"**). The investigator found that upon the detention of Mr Grigoryan and Ms Sergeyeva by the officials of the Sviatoshynskyi Police Department in Kyiv no information was entered into the Unified

Register of Pre-trial Investigations. Also, according to the Sviatoshynskyi Police Department, there is no information in the police department about official investigations or inspections of illegal detention and ill-treatment of the applicants.

During the pre-trial investigation, investigator took all necessary measures to find out the circumstances of the alleged crime and identify the perpetrators. However, examination of the copies of documents provided by the Government Agent and the conclusion of the official investigation based on the results of Ms Sergeyeva's application of 25 May 2010 didn't reveal any appropriate and admissible evidences in criminal proceedings about possible criminal offences committed by the police officers.

The interrogated inspector of the patrol service, who took part in the administrative detention and delivery of the applicants to the police department, witnessed that he did not remember the circumstances of the detention and the essence of compiling administrative materials due to the passage of time. Similar testimony was given by another witness who worked as a patrol driver. Interrogation of one more police officer as a witness was not possible due to the failure to establish his location.

Summonses were also sent to the applicants repeatedly to interrogate them as victims and to order forensic examinations. However, the victims do not appear and do not report the reasons for non-appearance.

Therefore, the pre-trial investigation is still pending. The Government of Ukraine will inform the Committee about further developments.

3. *Burlya and Others case*

The Government of Ukraine would like to note that the criminal proceedings on the grounds of the alleged committed crime under Article 296.2 CCU are carried out by the Investigative Department of the Berezivka District Police Department of the Main Investigative Department of the National Police of Ukraine in Odesa Region.

On 21 September 2021, the Berezivskyi District Court of Odesa Region extended the term of the pre-trial investigation for 6 months until 25 March 2022. Investigators are taking additional actions in order to establish all the necessary evidences and complete the investigation.

4. As regards *Zagubnya and Tabachkova*, *Migoryanu and Religious Community Jehovah's Witnesses of the City of Izmail* and *Kornilova* cases, it is to be noted that the Government of Ukraine are taking measures to reopen investigations.

As of today, the authorities concerned are considering the issue on the correct qualification and registration of the criminal proceedings in the above cases.

5. As regards *Pastrama* case, the Territorial Department of the SBI in Kyiv was instructed to conduct a pre-trial investigation into the criminal proceedings No. 42013110040000551 on the fact of possible involvement of police officers of the Southern Railway to the burning of 11 encampments located near the railway tracks in Kyiv, where about 70 Roma lived, as a result of which their housing and documents were destroyed. However, it was found that the investigation in this case was not within the jurisdiction of the SBI according to Article 216 of the Code of Criminal Procedure (**the "CCP"**) because of the perpetrators. Therefore, on 16 November 2021, the materials of the criminal proceedings were sent to the Kyiv City Prosecutor's Office to determine the jurisdiction.

The Government of Ukraine continue to take all necessary measures to conduct effective pre-trial investigations in the above cases.

III. General measures

Further to their previous communication of 23 April 2021[2], the Government of Ukraine would like to provide the information on recent developments as follows.

1) Measures for fostering trust and tolerance and preventing discrimination

In 2021 the State Service of Ukraine on Ethnic Policy and Freedom of Conscience (the "**DESS**") developed the Strategy to promote the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society until 2030 (**the "Strategy"**), which was approved by the Resolution of the Cabinet of Ministers of Ukraine No. 866 of 28 July 2021[3]. The main goal of the Strategy is to create conditions for the realisation of the rights and opportunities of persons belonging to the Roma national minority, taking into account the challenges associated with difficult life circumstances and the desire for full self-realisation in cultural, social, economic and political life.

The Strategy includes the following purposes:

1. Updating and detailing statistical information and data on the Roma national minority;
2. Ensuring legal protection and combating discrimination against persons belonging to the Roma national minority;
3. Increasing access to quality education for persons belonging to the Roma national minority;
4. Enhancing access to health services for persons belonging to the Roma national minority;
5. Improving the quality of living conditions of persons belonging to the Roma national minority;
6. Ensuring employment and increasing the level of employment of persons belonging to the Roma national minority;
7. Ensuring social protection of persons belonging to the Roma national minority;
8. Support and study of Roma culture, art, history, language.

In order to implement the Strategy, the DESS as a central executive body that implements state policy in the field of interethnic relations and protection of national minorities in Ukraine, develops action plans at the state level.

Therefore, the DESS developed the Draft Resolution of the Cabinet of Ministers of Ukraine "On the establishment of the Interdepartmental Working Group on Coordination of the Implementation of the Strategy to promote the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society until 2030". As of today, the Draft Resolution is at the stage of coordination with the interested bodies.

The DESS also developed the Draft Order of the Cabinet of Ministers of Ukraine "On approval of the action plan until 2023 to implement the Strategy to promote the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society until 2030", which is being approved by the Minister of Culture and Information Policy of Ukraine.

The Government consider that particular steps envisaged by the Strategy will help to form the stable policy for ensuring the environment, favorable for people of Roma national minority.

In addition, according to the Law of Ukraine "On Indigenous People of Ukraine" the DESS developed the Draft Resolutions of the Cabinet of Ministers of Ukraine "On approval of the Procedure for consolidating the legal status of the representative body of indigenous people of Ukraine" (is being approved by the Minister of Culture and Information Policy of Ukraine) and "On Approval of the

[2] https://hudoc.exec.coe.int/eng?i=DH-DD(2021)425E
[3] https://zakon.rada.gov.ua/laws/show/866-2021-%D1%80#Text

Procedure for Consultations of Executive Bodies with Representative Bodies of Indigenous People of Ukraine" (is at the stage of coordination with interested bodies).

In order to overcome discrimination on the grounds of ethnicity, color, and protection of the rights of national minorities and indigenous people of Ukraine, representatives of various religions and denominations, the DESS has identified a priority goal for 2022 – promoting understanding and tolerance in society through intercultural dialogue and ethnic communities of Ukraine, awareness of religious and ethnic diversity.

Thus, with the support of the DESS, there are online projects "The New Library of Sophia the Wisdom"[4], "30 years of cooperation, 30 years of cooperation"[5], which are planned to be supported and filled with events and materials during 2022. Another project "Tell us about your faith" is in the process of launching and filling with the video content.

Within the framework of the implementation of the Strategy the DESS plans to:

- hold consultations and coordinate the interaction between the authorities, experts and public;
- facilitate the development of regional action plans for the implementation of the 2030 Strategy;
- promote the formation of effective mechanisms for monitoring and evaluating the implementation of the 2030 Strategy.

In order to create additional conditions for the integration of national minorities into Ukrainian society the National Police of Ukraine take measures to prevent ethnic conflicts and protect the rights of national minorities. In particular, the planning of official activities of police bodies and units is carried out taking into account the specifics of the region and the problems of territorial communities.

Therefore, in order to prevent conflicts and take measures aimed at combating prejudice against Roma, ensuring public safety and order, as well as establishing information exchange between police and Roma, the Department of Preventive Activities of the National Police has developed and sent to all units the Plan of the National Police of Ukraine on the organisation of measures to prevent offences related to violations of citizens' equality for 2021. In order to implement the Plan, the following measures were taken by police officers during the year:

- monitoring of the places of permanent and temporary residence of the Roma community;
- the district police officers and officers of juvenile prevention carry out systemic communication, control over the movement and organization of preventing the commission of offences in places of permanent and temporary residence of the Roma national minority;
- the squads of the patrol police and the groups of response of patrol police are approached to places of permanent and temporary residence of the Roma national minority;
- working meetings with representatives of executive bodies, territorial communities, public associations, other interested institutions and organisations and representatives (elders) of the Roma national minority regarding the establishment of effective interaction were conducted.

As regards mutual tolerance between opposing religious groups in 1996 the Ukrainian Council of Churches and Religious Organisations (**the "UCCRO"**) was established as an interdenominational institution, aiming to unite the efforts of various denominations to focus on the spiritual revival of Ukraine, coordination of interconfessional dialogue in Ukraine and abroad, participation in a legislative process on church-state issues, and the implementation of comprehensive charitable actions. The UCCRO's public activity becomes even more effective due to the cooperation with local municipalities and other civil society institutions at both the national and local levels.

Since the beginning of the Russian aggression against Ukraine, the UCCRO has been actively involved in protecting the rights of believers and religious communities suffering from religious

[4] https://www.newlib.org.ua
[5] https://spilno.dess.gov.ua

persecution in the temporarily occupied territories of Ukraine in the Donetsk and Luhansk regions and Crimea.

As of June 2021, the UCCRO includes 15 churches and religious organisations and 1 interchurched organisation: including Orthodox, Greek and Roman Catholic, Protestant and Evangelical churches as well as Jewish and Muslim religious unions. Thus, the Council of Churches represents more than 90% of all religious organisations in Ukraine.

In addition, the DESS is also authorised to implement state policy in the field of religion in Ukraine.

2) Legislative developments

In the Updated Action Plan of 23 April 2021, it was mentioned the ongoing work on amendments to the Ukrainian legislation. The Government of Ukraine would like to provide the Committee of Ministers with the updated information at stake.

On 13 May 2021 the Parliament of Ukraine registered the Draft Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine regarding the combating discrimination manifestations"[6] (No. 5488). In particular, the Draft Law proposes to supplement the Code of Ukraine on Administrative Offences with a new Article 188-56 which provide legal liability for direct or indirect restriction of rights or establishment of direct or indirect privileges of citizens based on race, color, political, religious and other beliefs, sex, age, disability, ethnic and social origin, citizenship, marital and property status, sexual orientation, gender identity, place of residence, language or other characteristics.

The Draft Law also provides for supplementing Article 35 of the Code of Administrative Offences with a circumstance that aggravates liability for administrative violations, such as committing an offence on the grounds of intolerance. According to the Draft Law, intolerance should be understood as open, biased, negative attitudes towards people on the grounds of race, skin color, political, religious and other beliefs, gender, age, disability, ethnic and social origin, citizenship, family and property status, sexual orientation, gender identity, place of residence, language or other characteristics. The Draft Law also proposes to restate Article 161 of the CCU, which provides criminal liability for public calls for violence based on intolerance, as well as other intentional actions aimed at inciting hostility and hatred based on intolerance. On 7 September 2021 the Parliament of Ukraine included the Draft Law in the agenda of the Parliament of Ukraine session.

On 7 September 2021 the Parliament of Ukraine also included the Draft Law "On Alignment with the Constitution of Ukraine of the Provisions of Article 161 of the Criminal Code of Ukraine on Ensuring Equality of Citizens" (registered as per No. 3111 of 21 February 2020) in the agenda of the Parliament of Ukraine session. The Draft Law is designed to bring the provisions of Article 161 of the CCU into line with the Constitution of Ukraine and strengthen the legal framework for ensuring equality of citizens. As of today, the Draft Law is awaiting for consideration.

The Government believe that the above measures will help to improve the legal mechanism for combating human and civil rights violations on the grounds of intolerance and reduce new crimes of this category.

3) Investigation and judicial consideration of hate crimes

It is to be noted that Ukrainian law enforcement agencies are taking the necessary measures to ensure that crimes committed on discriminatory grounds are properly recorded, registered and qualified.

[6] http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71891

Ukrainian courts provide for an impartial hearing of such cases in order to establish all the circumstances and motives of the crimes.

As regards data collection mechanism allowing the accurate recording of hate crimes, the Government of Ukraine recall that the recording of all categories of crimes is carried out in accordance with the CCP. The Ukrainian legislation does not provide for the establishing of a separate mechanism for the recording of a particular category of crimes, including hate crimes. At the same time, it is important to note the constant trainings and awareness raising activities for law enforcement officers aimed at ensuring the effective investigation of crimes committed on the grounds of hatred, racial, national or religious intolerance (see below).

The Government of Ukraine would like to recall that the criminal proceedings in Ukraine are conducted in accordance with the CCP along with the CCU provisions.

Article 291 of the CCP enshrines the prosecutor's exclusive authority to approve the indictment. Moreover, only the prosecutor may apply to the court with the indictment. These provisions ensure the independence of the prosecutor and his/her exclusive authority to perform public prosecution in the court. The independence of the prosecutor is also a safeguard against unlawful interference in his/her activity. Therefore, no one, including the court, has the right to oblige the prosecutor to do anything except provided by law.

At the same time, in case if during the trial new factual circumstances of the criminal offence are established and there is a need to change the legal qualification and/or scope of the charge, the prosecutor has the right to change the indictment.

As of today, the Government of Ukraine are preparing comprehensive statistics on hate crime investigations and judicial consideration, as well as relevant judicial practice concerning compensation schemes available to the victims of hate crimes, which reflects a positive downward trend in the number of such crimes. This information will be provided as soon as possible.

4) Trainings, awareness raising and capacity building activities

On 27 May 2021 upon the initiative of the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson office in Ukraine), the "Kiev International Forum of Equality Bodies on Roma Inclusion" was organised. The Forum gathered over 140 participants, from over 20 independent human rights institutions from across Europe and provided space where over 20 good practices were shared on the role of the Ombudsoffices/Equality bodies in fighting for Roma inclusion in society. The first edition of the Forum focused also on the consequences of the pandemic on Roma communities, as the COVID crisis increased the stigmatisation of vulnerable groups in Europe – including for the Roma population. Two thematic sessions were included in the programme, one on inclusive public policies for Roma communities and one on combating hate speech affecting the Roma communities.

The meeting was addressed by the Council of Europe Human Rights Commissioner, who underlined the gravity of racism and discrimination against Roma communities and reaffirmed the key role of human rights institutions in combating this phenomenon.

The Ukrainian local NGO «Zaporizhzhia Roma Centre «Lacho Drome» carried out from February to July 2021 a project on training for human rights mediators in 4 cities of the Zaporizhzhia and Dnepropetrovsk regions of Ukraine, with the support of the European Union-Council of Europe project "Strengthening access to justice for victims of discrimination, hate speech and hate crimes in the Eastern Partnership" (**the "Council of Europe's project"**). This project was designed to address two big problems – Roma people are not communicating their human rights violations using formal channels

and local authorities ignore the needs and constraints of Roma communities as they lack information and pressure.

The first stage of the project was to train Roma mediators in teams of two persons in each of the 4 cities – Zaporizhzhia, Dnipro, Kamianske and Pologi. Local police, first of all patrol service and representatives of the Department of the Preventive Activities, were invited to the second stage, together with local representatives of the Ombudsman and the Department of Culture, Nationalities and Religion.

The second step was to build communication bridges between teams of mediators and local authorities, through sessions of joint discussion of the local issues and preparing action plans.

The third step of the project was awareness raising activities in local Roma communities and monitoring of human rights violations conducted by the mediators in their communities.

These monitoring activities brought two important results. First, the awareness of the community members was increased and there is now a possibility for them to have a contact point to report human rights violations. The second project result is the number and quality of cases collected, which show valuable data about the variety of discrimination attitudes Roma face in the regions and specific areas the mediators will work in the future after the project completion. The project also has some success stories when mediators helped Roma people to formally complain to authorities in order to restore violated rights.

From 16 June to 16 July 2021, 26 staff members of the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson office in Ukraine) were involved in a training course online on combating discrimination. The course had a special focus on understanding of the basic terms, forms of discrimination on specific grounds, knowledge of the national legislation and international standards, as well as methods for applying them.

In terms of skills, the course was aimed to improve participants' capacity for awareness-raising and educational activities, particularly on social media, identifying incidents of discrimination and motivation behind hate and hostility, adequately responding to identified incidents of discrimination, monitoring and collecting data, as well as initial data analysis. The course modules concerned:

- Key concepts related to discrimination;
- The mandate of the Ombudoffice on combating discrimination;
- Hate speech and hate crime: key concepts and the role of the Ombudoffice;
- Action planning: how to reinforce the role of the Ombudoffice in combating discrimination at regional level.

On 2 and 3 July, the Council of Europe in co-operation with the Legal Aid Coordination Centre held a seminar for Legal Aid trainers on trainer skills in combating discrimination. The seminar was the last activity of a four-month training of trainers carried out by the Council of Europe's project.

The training of trainers started in January 2021, and continued online until May 2021. Participants used the HELP courses of the Council of Europe on combating discrimination, hate speech and hate crimes, and had weekly webinars with experts on specific topics. Participants also developed their own training sessions on the basis of what they learnt in the course, which will be piloted within the Legal Aid system from autumn 2021 onwards. Moreover, participants developed their competences as trainers, for example their trainer ethics and work with sensitive discrimination related issues, adults learning methodology, design of training programmes, identifying trainees' needs and group work. Twelve Legal Aid trainers got the certificate for the training course and attended the final seminar.

In order to prevent further violations of the Convention, prosecutors and police officers are systematically involved in advanced training aimed at ensuring the effective investigation of crimes committed on the grounds of hatred, racial, national or religious intolerance. In particular, starting from June 2021, police investigators and prosecutors took part in training of multipliers on combating hate crimes carried out by the Council of Europe's project. This training course was organised as a response

to the need of the Office of the Prosecutor General and the National Police of Ukraine to create a pool of competent staff that can provide police officers and prosecutors with training on the prevention and effective investigation of hate crimes in Ukraine. Participants developed their understanding on discrimination and in-depth work on the concepts of hate speech and hate crime and they improved their capacity for case analysis and skills to apply indicators and bias motive evaluation to each case they work on.

On 17 September 2021, representatives of the Department of Preventive Activities, the Patrol Police Department and the Human Rights Office of the National Police took part in a training on "Building dialogue and understanding between Roma communities and police", during which they discussed stages of practical implementation of the draft algorithm of actions of state authorities and local self-government aimed at preventing and counteracting ethnic conflicts, in particular, in case of identifying spontaneous settlements of the Roma national minority. The event was organised by the NGO "Roma Human Rights Centre" with the assistance of the International Renaissance Foundation.

On 21-23 October 2021, the last seminar of a long-term training for multipliers from the National Police and the General Prosecutor's Office of Ukraine on combating hate crime was organised by the Council of Europe's project. The course modules included:

- Module 1: Introduction and key concepts related to hate crime;
- Module 2: Introduction to the situation on hate crimes in Ukraine;
- Module 3: Qualification of hate crimes;
- Module 4: Prejudice and bias motives;
- Module 5: Working with bias indicators;
- Module 6: Investigation practice and working with victims;
- Module 8: Methodology and approaches to the implementation of cascade trainings.

The training seminar concluded the capacity building process starting in June 2021, which included the HELP course on Hate crime and several webinars, as well as this seminar.

Sixteen police officers and prosecutors took part in this project activity, aiming to prepare a core group for each of the groups that can raise awareness on hate crime in their institutions. An important part of the capacity building activity was the development of a curriculum for cascade seminars adapted for mixed groups of police investigators and prosecutors on hate crime. These seminars are expected to be piloted as of 2022.

This activity was organised in co-operation with the National Police of Ukraine, the General Prosecutor's Office and its Training Centre.

On the basis of the Training Center of Prosecutors of Ukraine in December 2021 was conducted a training course for prosecutors "Procedural guidance in criminal proceedings for criminal offences committed on the grounds of intolerance", which included the following topics:

- Identification of hate crimes;
- Evidences and proof in criminal proceedings of crimes committed on the grounds of intolerance;
- Communication with the media in criminal proceedings into crimes of intolerance.

In addition, on behalf of the Prosecutor General, regular departmental meetings were held between representatives of the Office of the Prosecutor's General and the ZMINA Human Rights Centre, the Ukrainian Helsinki Human Rights Union, civil society activists and human rights defenders on the protection of universally recognised rights and fundamental freedoms during the pre-trial investigation of crimes committed on the grounds of hatred, racial, national or religious intolerance.

It is important to mention that the Office of Human Rights of the National Police, with the support of the European Union Advisory Mission, has developed information guides for victims of hate crimes in Ukrainian, English, Russian, Romanian, Hungarian and Hebrew (100 000 copies). Police officers in

the regions of Ukraine distributed these copies among the population. The main purpose of this event is to inform the victims of such crimes about their rights and means of their realisation.

During 2020-2021, in order to improve skills in investigating criminal offences based on hatred, racial, national or religious intolerance, the investigators of the SBI participated in two trainings on "Prohibition of discrimination through the prism of Article 14 of the Convention on the Protection of Human Rights and Fundamental Freedoms and Protocol 12 to the Convention".

On 7 December 2021, the Council of Europe in co-operation with the National School of Judges of Ukraine held the final webinar for a group of 26 judges as part of the training course on combating hate speech. This webinar was the fourth one of the training courses started on 17 November 2021 and was organised in the framework of the Council of Europe's project. This training course included 4 webinars and the specialised HELP course on combating hate speech.

Given that Ukraine has quite limited case law on the topic of combating hate speech, this type of training opportunities will be continued in the future co-operation between the Council of Europe and the National School of Judges.

Summing up, the Government of Ukraine would like to express its great appreciation to the Council of Europe for cooperation activities in the framework of the project "Strengthening access to justice for victims of discrimination, hate speech and hate crimes in the Eastern Partnership".

The Government of Ukraine believe that the above trainings and awareness-raising activities with the police officers, prosecutors and judiciary would allow unmasking bias motives, ensuring effective victim participation and promptness of investigations.

IV. Publication and dissemination

The translation of the Judgment in the *Pastrama* case was put on the Ministry of Justice official web-site[7], the legal portal *Liga Zakon*[8], as well as on HUDOC data base[9].

The summary was published in the Government's Currier [Uriadovyi Kurier], no. 143 of 27 July 2021.

The summary was also put on the Ministry of Justice official web-site[10].

V. State of execution of the Judgments

The Government of Ukraine would like assure the Committee of Ministers that the issues on the protection of the rights of national minorities and counteracting of discrimination attitudes in Ukraine have a priority status for the authorities. In this respect Ukrainian authorities will continue implementation of steps towards the protection of the national minorities through providing practical trust-building measures and take measures to consolidate the values of tolerance and mutual respect between people of different nationalities, religious beliefs, etc.

The Government believe that they show due diligence in fulfilment of obligations arising from the above judgments and will inform the Committee of Ministers about further developments and on positive changes of the issues raised in these Judgments.

[7] https://minjust.gov.ua/files/general/2021/06/03/20210603123410-69.doc
[8] https://ips.ligazakon.net/document/SOO01379
[9] http://hudoc.echr.coe.int/eng?i=001-208889
[10] https://minjust.gov.ua/files/general/2021/06/03/20210603123410-16.docx