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Assessment of the Action Plan on the implementation of the National Human Rights Strategy for Ukraine

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¹¹ Comments to the Action Plan matrix, as referenced through this text, are available on the website of the Council of Europe, <http://www.coe.int/en/web/kyiv/documents-prepared-by-the-council-of-europe-for-the-attention-of-the-ukrainian-authorities-since-the-beginning-of-activities-of-the-sasg-for-ukraine>

Assessment of the Action Plan on the implementation of the National Human Rights Strategy for Ukraine

1. Introduction

On 23 November 2015, the Cabinet of Ministers of Ukraine adopted the “Action Plan on the implementation of the National Human Rights Strategy” (Ordinance No. 1393-3). The Action Plan was developed in less than three months and is the product of an ambitious effort during which broad consultations took place with local stakeholders and the international community. The final product consists of 25 sections corresponding to the priorities set out in the National Human Rights Strategy, approved by Presidential Decree No. 501/2015 on 25 August 2015. The objective of the Action Plan is to operationalise this Strategy by providing for different measures that *inter alia* would ensure the conformity of legislation, policies and practices with Ukraine’s international human rights commitments. Funding for implementation of the Action Plan, in line with the Decree under which the Strategy was adopted, should be provided on an annual basis through the State Budget of Ukraine.

In November 2015 the Council of Europe with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) jointly undertook an assessment which was shared the Ministry of Justice of Ukraine on the Draft Action Plan ahead of the adoption of the Action Plan. As a follow-up to the Assessment of the Draft Action Plan of November 2015 this assessment is put forward on the basis of the final adopted version of the Action Plan, based on an English translation of the Action Plan, supported by the Council of Europe. Taking note of and recognising the adjustments made in the final version of the Action Plan, in relation to the comments and suggestions provided for the November draft of the Action Plan, this assessment is limited in scope and will primarily focus on the remaining gaps in relation to previously raised issues, that the authors² may want to consider addressing in the implementation and follow-up of the Action Plan. Linked to this, this document also addresses the issue of progress review and proposes a model for how the implementation of the Action Plan could be monitored.

Comments are primarily provided in narrative in this document, but in some cases, comments have also been provided directly in the English version of the Action Plan matrix, which can be found on the Council of Europe website³. Such comments have been provided to issues raised under sections 1, 15, 16, 17 and 18 in Chapter 3 of this assessment. References in this assessment are made to documentation annexed to the initial assessment of the draft Action Plan received by the Ministry of Justice in November 2015, from the Council of Europe. This document was communicated to the Ministry of Justice directly and while it was not made public, this assessment nonetheless takes note of the November comments that were incorporated and points out remaining omissions.

2. General initial comments, including on progress review

² With “authors” reference is made to those who have been involved in finalising the different sections of the Action Plan.

³ Comments to the Action Plan matrix, available on the website of the Council of Europe, <http://www.coe.int/en/web/kyiv/documents-prepared-by-the-council-of-europe-for-the-attention-of-the-ukrainian-authorities-since-the-beginning-of-activities-of-the-sasg-for-ukraine>

In the Assessment of the Draft Action Plan of November 2015, comments were provided on general issues related to the format and structure of the draft Action Plan, as well as on the actual substance and content of the Draft National Human Rights Action Plan for Ukraine. Many of these comments and suggestions have been addressed either by the introduction of new elements into the Action Plan or by editing of already existing sections of the text. While, as mentioned above, note is taken of adjustments being made in relation to provided comments and suggestions, the focus for this assessment is on addressing remaining gaps in relation to the earlier provided input on substance and particularly on promoting a human-rights based approach in line with the obligations of Ukraine under the European Convention on Human Rights and other human rights standards of the Council of Europe.

In addition, it is noted that in some cases expected results that appeared in the draft Action Plan have been removed from the Action Plan. This is in particular the case with expected results that had no corresponding activities. With such discrepancies between the draft and the final version of the Action Plan, we have, in relevant cases, addressed it in the text, and in some cases, when activities had been proposed to support the expected results, also proposed that such expected results are reintroduced.

As to the structure and format of the Action Plan, a very small but still important amendment in relation to the draft is that each expected result and corresponding activity now has a number, which contributes to making the Action Plan more reader- and user-friendly. It could be considered to also include a table of contents. When commenting on the different expected results, this assessment, where relevant, makes reference to them by using the format “expected result no XX”, and where making reference to a specific activity we use the format “expected result no XX, 1)”, where “1)” signifies the activity.

In addition to the thematic sections already covered by the Action Plan, the Assessment of the Draft Action Plan of November 2015 proposed that the Action Plan could include a general background on the status of human rights in Ukraine, containing information on Ukraine’s international human rights obligations and commitments, and modalities currently available for implementing these obligations and commitments. However, as such information needs to be updated regularly, it may be better to add such a section in the introduction to the annual reports on the implementation of the Action Plan. Particularly as such information would also provide relevant input to the further development of the Action Plan.

Implementation of the National Human Rights Strategy and the Action Plan, will require the putting into place of a monitoring mechanism by the Ukrainian authorities, and presumably by the Ministry of Justice, as the coordinating agency, with active input from the Ukrainian Parliamentary Commissioner for Human Rights and civil society. It is foreseen that the international community will continue to provide advice on the implementation, monitoring and control of the Action Plan. Progress review of the Action Plan, in accordance with what is stipulated in the National Human Rights Strategy, will take place on an annual basis and the Cabinet of Ministers will ensure that a report on the implementation of the Action Plan is published annually, by 1 November, for discussion by a broad group of stakeholders, including state authorities, local government, civil society and the international community. Such discussions shall contribute to possible adjustments of the Action Plan by 10 December each year.

Given the character of the Action Plan as a living document and in order to make sure that the Action Plan continues to meet expectations and demands, it is advisable that the coordinating agency establishes a mechanism for regular monitoring and adjustment throughout the year. In order to facilitate this work, the coordinating agency in charge of the implementation of the Action Plan may want to avail itself of a “help desk” of local as well international advisors that could contribute with request-based advice as regards relevance

of ongoing activities, how to assess success in relation to expected results (e.g. through human rights-based indicators), prioritisation, project formulation, identification of potential funding and implementing partners, etc. Such a body could potentially meet with the coordinating agency three to four times annually in order to discuss progress with implementation of the Action Plan, achievement of results, obstacles and possible needs for adjustments, etc., but also be available to provide ongoing request-based support throughout the year.

3. Comments on the Content of the Draft National Human Rights Action Plan for Ukraine

1. Ensuring the right to life

As noted in the assessment of the draft Action Plan, the adequate protection of the right to life, and the availability of remedies and mechanisms for effective investigation of violations of the right to life, obviously is of the highest importance. At the same time, the prevention of acts which could lead to the deprivation of life can be seen to imply broad obligations, e.g. in relation to generally guarding public security. Such considerations will naturally in many cases overlap with measures for the protection of other rights, and therefore other areas covered in the National Human Rights Action Plan.

As remarked in the assessment of the draft action plan, it is understandable that there are fewer specific measures in the adopted Action Plan dealing with the protection of the right to life generally, and that there are also some measures in this section which could be considered in connection with measures in other sections of the plan (see further below). Furthermore, the ongoing Council of Europe (CoE) Project “*Strengthening the Implementation of Human Rights Standards in Ukraine*” and its follow-up project “*Continued Support to the Criminal Justice Reform in Ukraine*” correspond to this strategy area. While these do not deal with the right to life exclusively, but also criminal justice reform and strengthening the implementation of European human rights standards, they also promote relevant standards and measures for further consideration under this section as well.

Moreover, the Action Plan should incorporate the shortcomings identified by the International Advisory Panel reports on the investigations into the Maidan demonstrations and Odesa events and their compliance with the European Convention of Human Rights and the case-law of the European Court of Human Rights. The Action Plan should propose corresponding corrective actions.

In addition, and in line with the recommendations provided in the assessment of the draft action plan, the authors may want to consider, in the implementation and follow-up stages, to link parts of this section of the Action Plan with subsequent sections of the Plan, for example, those dealing with countermeasures against torture and conditions of detention.

See also comments under the section on ensuring the right to life in the Council of Europe Action Plan for Ukraine 2015-2017⁴.

⁴<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802ed0b6>

2. Countermeasures against Torture, Cruel, Inhuman or Degrading Treatment or Punishment

We welcome the Action Plan's comprehensive approach to eliminating the use of torture and inhuman and degrading treatment. Through a broad range of actions to prevent, investigate such acts and fight impunity, the Action Plan foresees extensive legal reform, training and compensation for victims, in conformity with the European Convention for Human Rights (ECHR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both ratified by Ukraine. To a large extent the Action Plan also reflects the recommendations that Ukraine received from the European Committee for the prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the UN Committee against Torture (CAT).

This second assessment reiterates the advice to involve health professionals in training related to investigation and documentation of torture. The Istanbul Protocol, Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment⁵, has been proven to be an efficient tool against the use of torture. In particular, it calls for the involvement of health professionals in the process of documenting and investigating alleged cases of mistreatment.

We would also like to reiterate the great importance of upgrading prisons and detention facilities to prevent inhuman and degrading treatment, not only from the perspective of provision of services, but also for premises and buildings to meet the requirements of the UN Minimum Standard Rules for the Treatment of Prisoners.

Furthermore, there is no provision to provide further support to the Parliamentary Commissioner for Human Rights, particularly as the designated National Preventive Mechanism (NPM). The previous recommendation is reiterated that the Action Plan includes measures to increase support and resources to the Parliamentary Human Rights Commissioner as highlighted by the UN Human Rights Committee's Concluding Recommendations in its 7th periodic report on Ukraine (July 2013).

3. Right to liberty and personal integrity

We note that many important steps have been proposed to ensure the right to liberty and personal security. *Habeas Corpus* and methods to guarantee judicial control over those who have been detained have been included in the Action Plan in a constructive manner. Even so, and in line with our previous comments, we would suggest that the responsibility for those personnel categories, other than judges, who are involved in matters related to incarceration, such as police officers, hospital staff etc., are further clarified in order to minimize the risk for arbitrary detention. The authors may want to consider including such provisions in the Action Plan under for example, expected result no. 12 "*The procedure for arrest and detention in custody of a person has been brought into compliance with international standards, practice of unregistered arrests has ended*".

Although the ultimate responsibility for ensuring that no arbitrary detention has occurred is with the judiciary, civil servants also have a responsibility to ensure that it does not happen, see *inter alia* under expected result no. 14 "*Unsubstantiated and improperly executed arrest, detention without court decision become impossible*" in the Action Plan. Therefore, educational efforts could be expanded to other key groups as well. It is thus reiterated that

⁵ <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>

the authors consider training to be extended also to professionals other than judges dealing with incarcerated persons, in judicial and quasi-judicial functions, as there is little reason to exclude them.

As is mentioned in the final version of the Action Plan, unsubstantiated detention must be avoided. Following up on the suggestion in the assessment of the draft Action Plan, one way of achieving this could be to emphasise criminal responsibility through specific laws introducing individual criminal responsibility and fiscal liability of civil servants for not assuring the rights of detainees.

Another issue concerning *Habeas Corpus* is the notification to next of kin of the deprivation of liberty. Relatives have the right to know what has happened in order to be able to arrange for legal counsel, etc. In line with our comments on the draft Action Plan, we suggest that the authors address this in the Action Plan. For example, this could be done under expected result no. 12 *“The procedure for arrest and detention in custody of a person has been brought into compliance with international standards, practice of unregistered arrests has ended”* and expected result no. 13 *“The efficiency of judicial control over grounds for deprivation of liberty, in particular in case of involuntary hospital admission to mental health institutions, has been enhanced”*.

Finally, many of the issues raised in the section on the “Right to Privacy” could instead be addressed under *“Right to Liberty and Personal Integrity”*, such as those dealing with clandestine surveillance and coercive measures that are the results of the aforementioned measures. The case-law of the European Court of Human Rights (ECtHR) is extensive on the right to liberty, but somewhat less so when it comes to the right to privacy. The ECtHR has so far dealt with most of those issues under “Right to Liberty and Personal Integrity” and not under the right to privacy, which is not explicitly stated in the ECHR.

4. Right to a fair trial

As noted in the assessment of the draft Action Plan it would be of value to add additional activities under the “access to justice” umbrella in expected result no 16; *“Each person is granted access to justice”*. This sub-section could be elaborated upon and more specific actions identified, such as development of a more efficient complaints mechanism and legal education or awareness-raising for the public on what access to justice implies and not only limiting itself to mainly focusing on financial matters, such as court fees.

With regard to access to justice we would, in line with our previous comments, also like to underline that an improved regulatory framework on transparency of court hearings and decisions, open access to court proceedings and rulings as well as developing new standards/requirements for courts in order to ensure greater openness of information about courts (improvement of websites, information stands etc.) are of importance.

Another issue that the authors may want to consider in this respect is, as was also addressed in the previous assessment, the matter of impunity and how to deal with it, as impunity is so closely attached to access to justice. A clear law on individual responsibility for decision makers in the case of wrongdoing, such as not following the law, denying representation without cause, etc., would be useful in this context. This could be addressed under expected result 20. *“Increased transparency of the activity of judges and the level of their liability”*.

Under expected result no. 17 *“The right to defence is ensured”* we are pleased to see that those who are neither suspects nor accused but merely heard as witnesses will have the right to legal representation. In line with our comments to the draft Action Plan, the authors

may also want to consider more specific procedural rights of the defence such as the right to ask for access to trial material or a complementary police investigation.

We also note that liability has been incorporated under expected result no. 17. When it comes to the question of accountability and liability of judges and prosecutors, it is however somewhat difficult to see what this entails in practice, since the Action Plan is not exhaustive on this topic.

In line with our previous comments, we also suggest that other personnel categories are covered by this provision. In order to achieve a coherent system, this could be done by expanding on expected result no.18 *“Formation of the judiciary and holding judges accountable have been depoliticized and brought into compliance with international standards”* and expected result no. 19 *“Independence, impartiality, efficiency and institutional ability of the judicial system have been ensured”*, to make sure that the same rules apply for all personnel categories in judicial and quasi-judicial functions, who deal with incarcerated persons and have the authority to decide whether a person should be incarcerated or not, such as police, hospital staff, etc.

The effectiveness of the justice system and its adherence to fair trial rights are mentioned under several expected results. This applies to expected result no. 21 *“Elimination of shortcomings of the laws of procedure, and ensuring efficient administration of justice within the reasonable terms as well as consistent judicial practice”* and expected result no.22 *“The effective system of enforcement proceedings is in place, court decisions and decisions of other bodies are enforced within reasonable terms, in particular, owing to introduction of the institution of private enforcement services”*. However, there is still a need for clarification and more specific instructions in order to achieve these expected results.

We also note that the activities have been removed concerning the draft expected results, *“The professional level of judges has been increased”*, *“The system of judicial self-governance has been improved”*, and *“Cases are distributed among judges by means of the independent automated system only”*. As to the latter, the principle of an independent allotting of cases must be protected, but the means were rigid and we therefore welcome this change although we hope that a more flexible method could be put in its place. Perhaps a new expected result might be formulated in line with: *“Cases are distributed among judges by means of an independent system that makes some special allotment possible only by specific law”*?

5. Right to privacy

The Action Plan focuses on two areas under this section, data collection and persons taken into custody. As already addressed in the assessment of the draft Action Plan, search and seizures may perhaps fit better under “Right to liberty and personal integrity” in order to ensure a more comprehensive protection.

The Action Plan addresses the issue of data protection and that funding for training shall be allocated. However, it remains unclear exactly what the legal basis for this protection is, will it be in the form of a new national law or is it based on an international treaty? In addition, the group targeted for the training is limited, consisting of *“people in charge of personal data protection and other persons processing personal data”* (see expected outcome no. 29, 2). The persons directly concerned, being those whose data are collected, are not mentioned. This might be achieved through awareness-raising activities addressed in other sections of this Action Plan, but perhaps it could be of value to include such an activity here as well.

An issue not addressed in the Action Plan regards the possibility for individuals to ask for access to their own data or to claim compensation, should the data have led to dire consequences for them if faulty or collected in an illegal manner. In line with previous comments, this is an issue that the authors may want to address under this section.

Finally, we note that under expected result no. 33 *“Compliance with standards of protection of the right to privacy when using video surveillance systems has been ensured”*, the authors have added the activity *“To prepare recommendations regarding observance of the legislation in the area of personal data protection when using video surveillance systems”*. This is a welcome addition, and it is important that these recommendations expand on how this is going to be done in practice and who will be responsible for such a task.

6. Ensuring Freedom of Thought and Speech, Expression of Opinion and Convictions, Access to Information and Free Development of Personality

In the assessment of the draft Action Plan we noted that that the strategic goal referred to in this section of the Action Plan; *“Ensuring enjoyment of the right to freedom on peaceful assembly and the right to freedom of association”*, should be the strategic goal for the section *“Ensuring the Right to Freedom of Peaceful Assembly and Association”*. In order to reflect the National Strategy the goal should instead be *“To ensure free information exchange and the freedom of expression”*.

As to the expected results in this section of the Action Plan we note that the authors in the final version have removed some of the results that appeared in the draft Action Plan and for which no key activities and indicators had been specified. As we lack background information on why these expected results have been removed we can only take note of this and in some cases provide comments corresponding to the comments raised in the assessment of the draft Action Plan;

- *“Proper functioning of public broadcasting is ensured”*. In the assessment of the draft Action Plan it was proposed that the drafters when elaborating on activities for this expected result could *inter alia* take into account the CoE project *“Strengthening Freedom of the Media and Establishing a Public Broadcasting System in Ukraine”*, with the objective of *inter alia* provide expert assistance in establishment of the genuine public broadcasting system in Ukraine.
- *“The right to freedom of thought and speech, free expression of one’s opinion and convictions is guaranteed”*. This expected result corresponds to specific objective 1 under planned CoE project and could, and if maintained in the Action Plan, this could draw upon activities already listed in the project document, such as awareness-raising and other capacity development activities aimed at supporting the effective exercise of the right to freedom of expression and information in line with European standards and norms.
- *“Effective access to information, including public information, has been provided”*. Specific objective 3 of the planned CoE project aims at improving the access to official documents and information held by public authorities to media professionals and the general public, while protecting the individual’s right to privacy and to control personal data. The project consists of relevant training activities.

In addition, we note the following expected results have been removed

- *Conditions for free development of personality have been created, in particular by reforming educational system in Ukraine*
- *The system of guarantees of access to information resources, in particular the internet, has been provided for each individual*
- *Activity of official printed editions of the state authorities, local self-government bodies has been separated from other mass media.*

Finally, expected result no. 36 “*Freedom of activity of mass media*” contains a provision on the safety of journalists, but the Action Plan does not elaborate on any activities supporting this expected result. In line with the proposal in the assessment of the draft Action Plan, we recommend that activities are considered such as for example training activities for different stakeholders, including journalists themselves.

7. Ensuring the Right to Freedom of Peaceful Assembly and Association

The activities proposed are aligned with the CoE project on “*Strengthening the implementation of European human rights Standards in Ukraine*”. The authors of the Action Plan may however want to specify the relationship between the legislation to be adopted and activities to be undertaken in support of the new legislation on one side, and European standards and the case-law developed by the ECtHR on the other side, including in *Vyerentsov v. Ukraine* (Application no. 20372/11), as well as in the relevant opinions of the Venice Commission. This would assist in safeguarding the implementation of European standards and practice.

As to the training activities to be undertaken under expected result no. 40, for trainers and law enforcement officers on the relevant international standards and practices, the Action Plan may benefit from including the judiciary and the prosecution service in the target group.

8. Ensuring the Right to Participation in Administration of Public Affairs and Election

The case-law of the European Court of Human rights on free and fair elections (Article 3 of Protocol No. 1 to the ECHR), the guidelines of the Venice Commission on free and fair elections, as well as the ongoing CoE projects “*Assistance to the Ukrainian Authorities in Reforming Electoral Legislation and Practice*” and “*Reform of Electoral Practice in Ukraine*”, contain principles and measures that support the expected results of this section of the Action Plan. We note however that no reference is made to ongoing and planned activities aimed at implementing Council of Europe standards and practice in this field, which, as addressed earlier, is something that would give additional clarity to the Action Plan in this respect.

We also note that the expected result “*Openness and transparency of activity of state authorities and local self-government bodies have been provided, in particular, via access to public information*” has been removed from the Action Plan. This is an important expected result, which would fit in under the section “*Ensuring the Freedom of Thought and Speech, Expression of Opinion and Convictions, Access to Information and Free Development of Personality*”. The authors may therefore want to consider transferring it to this section instead of removing it from the Action Plan.

9. Ensuring the right to labour and social protection

As Ukraine is bound by the European Social Charter, reference should be made to this instrument and the findings of the European Committee of Social Rights. The Action Plan and the corresponding sections should in the least contain as an expected result that action is taken to remedy the shortcomings identified by the Committee.

The strategic goal in this section of the draft Action Plan is *“to create conditions for decent living standards and appropriate social security of citizens”*. In the final version of the Action Plan, the wording of the goal has changed partially, from *“create conditions for decent living standards”* to *“creating opportunities to ensure sufficient standards of living.”*

This new wording, if correct, could diminish the level of protection that needs to be guaranteed to all individuals within the national territory of Ukraine. In fact, the previous wording could perhaps provide for more result-oriented implications than the present one, by putting emphasis on the *effective achievement* of decent living standards rather than on the *creation of opportunities* for their potential fulfilment. Therefore, unless it is a matter of translation, we would like to suggest that the authors of the Action Plan consider the possibility to reincorporate the original wording of the strategic goal.

Moreover, we also note that one of the expected results of this section, *“funding sources of social security system alternative to the state are available”*, is not included in final Action Plan. Consequently, no key activities, indicators or any other relevant elements have been included in relation with this particular expected result. Besides taking note of this omission, we would like to encourage the authors to explore the possibility to include it in the Action Plan, in order to strengthen the national social security system.

In addition, we would like to provide some specific suggestions, in line with recommendations provided in the assessment of the draft Action Plan, for the following expected results of this section:

- *“The Efficient social protection system corresponding to the capabilities of the state has been created”* (Expected result no. 49). As addressed in our assessment of the draft Action Plan, we would like to suggest the adoption of all necessary legislative or administrative steps in order to ensure that social benefits are recognised without discrimination on any ground, and in particular between men and women. In this sense, special attention would need to be given to minimum wages, pension schemes and periods of leave due to family responsibilities, in particular in connection with childcare leave (see the Report of Ukraine for the European Social Charter, Information on Article 7 and 17, RAP/RCha/UKR/7(2015), p. 97). In addition, as part of the strategy to overcome poverty, it would be relevant to stress again the need to focus on the situation of individuals belonging to groups in situations of vulnerability, such as homeless, minors living on the streets, internally displaced persons, refugees and asylum seekers, victims of human trafficking, etc.
- *“Protection of citizens’ labour rights, including the right of citizens to freedom of association, has been ensured”* (Expected result no. 51). In the assessment of the draft Action Plan we suggested that an efficient social protection system would need to include the establishment and consolidation of channels for dialogue and participation of relevant sectors of the civil society, in particular as regards persons in situations of vulnerability. Regarding the latter, and in order to support the fight against human trafficking, the authors may want to explore the possibility of establishing a joint platform for labour inspectors, trade unions, employment agencies, businesses and civil society. This platform could contribute in improving the

identification of and assistance to victims of trafficking for the purpose of labour exploitation (see: GRETA(2014)20, para. 67).

- *“Social responsibility of business has been increased, conditions have been created to introduce social corporate responsibility of economic entities”* (Expected result no. 52). In line with the previous comments, the drafters may want to consider the possibility to develop laws and/or policies regarding the implementation of the UN Guiding Principles on Business and Human Rights at national level (UN Human Right Council resolution 17/4, 16 June 2011).

“Efficient system of social services provision, including social support and supported living of disabled people, has been established” (Expected result no. 54). In line with recommendations provided in the previous assessment of the draft Action Plan, the authors may want to consider further developing labour regulations, for example, by guaranteeing that relevant information is available and accessible in formats and technologies appropriate to persons with different kinds of disabilities in a timely manner and without additional cost (UN Convention on the Rights of Persons with Disabilities, art. 2.1).

10. Establishing conditions for freedom of enterprises

We note that the authors have incorporated most of the recommendations suggested in the assessment of the draft Action Plan. However, we also note that some of the expected results in the draft Action Plan have been removed from the final Action Plan, in particular, *“efficient protection of the right to private property has been ensured”* and *“non-interference of state authorities with entrepreneurship within the legal framework has been ensured”*.

We would like to encourage the authors to maintain these expected results in the Action Plan, especially in order to not diminish or weaken the protection provided, as regards the right to property at national level. Moreover, we would like also to stress the need to introduce regulations in order to guarantee the existence of available and effective remedies in case of potential individual complaints, including the potential creation of an independent decision-making authority.

11. Ensuring the Right to Health Care

As Ukraine is bound by the European Social Charter, reference should be made to this instrument and the findings of the European Committee of Social Rights. The Action Plan and the corresponding sections should in the least contain as an expected result that action is taken to remedy the shortcomings identified by the Committee.

In the assessment of the draft Action Plan, we suggested the introduction of active measures to facilitate the access to medical aid for persons belonging to groups in situations of vulnerability. This is highly relevant in the case of the Roma minority.

As recommended in the assessment of the draft Action Plan in regard to *“access to medical aid for vulnerable social groups”* (Expected result no. 61), measures targeting minorities and other vulnerable groups need to be centred on their particular needs, including the introduction of positive actions for cultural accommodation, such as the appointment of Roma health mediators, free medical aid, access to medicines, family planning, etc. In addition, the Action Plan could also establish strategies for overcoming low level of awareness regarding preventive health measures, lack of identity documents, and - in some cases - doctors'

reluctance to treat members of minority groups, such as Roma (ECRI(2012)6, Ukraine, 21/02/2012).

Finally, the enhancement of access to medical care and aid by persons belonging to groups in situations of vulnerability could be reinforced by the introduction of further measures, such as the development of public awareness campaigns and the creation of the charter rights of the patients, as proposed by the expected result *“Achieving effective social inclusion of Roma in Ukraine, by providing technical assistance for the update and implementation of the Government Action Plan of the Strategy for Protection and Integration into Ukrainian Society of the Roma National Minority for the period 2015-2020.”*

12. Ensuring Children's Rights

We note that the final version of the Action Plan lacks one of the expected results from the draft version, *“State registration of child birth within the temporarily occupied territory of Ukraine and settlements where state authorities are temporarily not performing their powers and are not performing them in full is provided.”*

The authors may want to consider the possibility of introducing specific temporary measures in order to address the birth registration of children born within the temporarily occupied territory of Ukraine, where state authorities are temporarily not able to exercise their powers. All temporary measures, such as the birth registration of children born within those temporarily occupied territories, need to be fully in line with international human rights standards and – in particular – with the principle of the best interest of the child.

In addition, it would be relevant to emphasise the importance of introducing measures aiming at preventing violence against children, including sexual exploitation and sexual abuse, in line with the CoE Action Plan for Ukraine 2015-2017. In this sense, the proposed creation of a “National Children’s Data Bank”, as one of the activities aiming at building an *“efficient system of childhood protection”* (Expected result no. 66), has to be interpreted as a clear step in that direction. In fact, collection of sensitive data could be seen as an adequate tool in order to properly address a child’s needs when it is done with full respect of the dignity, privacy and family life of a child. Consideration of the cultural background and traditions of the child is also relevant, in particular regarding the inclusion of teaching in/of minority languages in the overall educational system, as recommended by the Advisory Committee of the Framework Convention on National Minorities (ACFC/OP/III(2012)002).

Furthermore, we would like to emphasise the importance for the Action Plan to facilitate and guarantee access to services for children, without discrimination on any ground. For these reasons, as recommended in the assessment of the draft Action Plan and in support of expected result no. 71, *“The services based on a friendly approach to a child, first of all, medical, social and legal ones, have been introduced”*, it would be advisable for the drafters to consider the introduction of active measures aiming at the provision of equal level of protection to children belonging to minority groups, such as Roma, Tatars, etc. For example, one of these measures could be to ensure their free and compulsory birth registration, as recommended by the Committee on the Rights of the Child (CRC/C/UKR/CO3-4).

13. Ensuring the Right to Education

As Ukraine is bound by the European Social Charter, reference should be made to this instrument and the findings of the European Committee of Social Rights. The Action Plan

and the corresponding sections should in the least contain as an expected result that action is taken to remedy the shortcomings identified by the Committee.

We also note that the authors of the final version of the Action Plan have removed the expected result *“topics on human rights and freedoms, in particular, children's rights and gender equality, have been included into educational programme.”*

As proposed in the assessment of the draft Action Plan, the authors may want to consider, to include and develop a concrete strategy for the introduction of human rights education, children's rights and gender equality at all levels of education, including specific actions for its implementation. In this sense, drafters could potentially consider the creation of a commission responsible for introducing the necessary changes in the respective educational curricula at all levels of education.

Moreover, and in line with previous recommendations we would propose that the authors consider including concrete steps and special measures for the accommodation of children with disabilities, guaranteeing an inclusive education system at all levels and lifelong learning (Art. 24, Convention on the Rights of Persons with Disabilities).

Finally, and also in line with previous comments, the authors may want to consider introducing measures addressing the access to quality education without discrimination of children belonging to minority groups. Thus, the authors may want to consider the incorporation into the Action Plan measures aiming to ensure that practises of segregating Roma children in Roma-only classrooms or schools are not maintained or re-introduced (OSCE, Roma in Ukraine, 2014).

14. Raising Awareness on Human Rights Issues

We are happy to see that the Action Plan has taken into consideration some of our previous recommendations, in particular in connection with the need of training of trainers, primarily teachers at all levels of education. However, in line with our earlier comments on this section of the Action Plan the authors may also want to consider the introduction of a mainstream cross-cutting strategy for the enhancement of human rights education in all relevant societal sectors, as part of the creation and support of a human rights culture.

As part of this mainstream effort, we would again like to stress the importance of developing and disseminating human rights educational materials, including the creation of specific public awareness campaigns. This would be particularly relevant in the case of raising awareness vis-à-vis the rights of persons belonging to groups in situations of vulnerability, such as persons with disabilities, ethnic, religious, linguistic or sexual minorities.

With regard to raising awareness and training for legal professionals on human rights, reference to the Council of Europe Human Rights Education for Legal Professionals Programme would be welcome.

15. Countering Gender-Based Violence, Human Trafficking and Slavery

As was noted in the assessment of the draft Action Plan, the authors may want to take into consideration that gender-based violence and trafficking in human beings are two distinct phenomena, and actions linked to these two phenomena could be different and based in separate regional standards, for instance the Council of Europe Convention on Action against Trafficking in Human Beings (2005) and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (2011). Also, as

was noted in the previous assessment, the reference to “slavery” appears only in the title of the sub-item, and is not addressed at the results level or activity level.

In line with recommendations provided in the assessment of the draft Action Plan, we would like to note that the concerns of persons with disabilities could be further addressed in a separate section. In this regard, consideration could be given to the particular situation of women, children and internally displaced persons with disabilities, who represent vulnerable groups in terms of human trafficking. See Action Plan matrix comments to expected results no.88, 2.

Furthermore, and also in line with the suggestions provided to the draft Action Plan, the authors of the Action Plan are encouraged to further consider the following GRETA(2014)20 report recommendations:

- Further address the problems of internal trafficking and trafficking of foreign nationals to Ukraine, also specifically address the issue of trafficking for labour exploitation; strengthened victim assistance and witness protection systems.
- Address vulnerability of men and boys to instances of human trafficking. As pointed out in GRETA (2014) 20, para 10, the number of male victims of trafficking in human beings is substantial in Ukraine. Also, see Action Plan matrix comments to expected result no.88, 2.⁶
- Further develop co-ordination between public bodies and civil society actors engaged in anti-trafficking action (GRETA(2014)20, para. 65. See Action Plan matrix comments to expected result no. 93, 3.
- Take further steps to provide periodic training on trafficking in human beings and the rights of victims to all relevant professionals (such as law enforcement officials, prosecutors, judges, labour inspectors, child protection specialists, social workers and medical professionals) (GRETA(2014)20, para. 76). See Action Plan matrix comments to expected result no. 94, 1.
- Further develop and maintain a comprehensive and coherent statistical system on trafficking in human beings (GRETA(2014)20, para. 81). Also, see Action Plan matrix comments to expected result no. 93, 1.
- Further facilitate access to compensation for victims of trafficking, including, provision of information in a language understood by the victim, effective access to both primary and secondary legal aid, building the capacity of legal practitioners and including on the issue of victim compensation into training programmes (GRETA(2014)20, para. 180. See Action Plan matrix comments to expected result no. 89.
- Take further legislative and other measures to ensure that a legal person can be held liable for a criminal offence of trafficking in human beings (GRETA(2014)20, para. 192). See Action Plan matrix comments to expected result no. 90, 2.

While implementing the activity *”To monitor implementation of international recommendations...“*, under expected result no.90, it would be advisable to draw upon regional mechanisms, namely the Council of Europe Convention on Action against

⁶ Available on the website of the Council of Europe, <http://www.coe.int/en/web/kyiv/documents-prepared-by-the-council-of-europe-for-the-attention-of-the-ukrainian-authorities-since-the-beginning-of-activities-of-the-sasg-for-ukraine>

Trafficking in Human Beings (2005) and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (2011). Also, see Action Plan matrix comment to expected result no. 90, 1.

The implementers may also wish to consider introducing more qualitative indicators and reflect on the case-law of ECtHR. See Action Plan matrix comments to expected results no. 88; 88, 2; 88, 4; 88, 5; 89, 3.

As was noted in the assessment of the draft Action Plan, the authors may also wish to consider addressing expected result no. 92 *“The issue of labour therapy arrangement has been regulated...”* in another section, such as the right to health.

Finally, the activity *“To develop and apply the mechanism for state social order of services of NGOs working on countering gender violence and human trafficking”* has been removed from the expected result no.89. We take note of this and reiterate that government engagement with civil society is very important and welcomed at the recommendation of GRETA (GRETA(2014)20, para. 65.

16. Countering Domestic Violence

We note that some of the expected results have been removed from the final version of the Action Plan and in some cases provide comments corresponding to the comments raised in the assessment of the draft Action Plan;

- The activity *“To conduct regular trainings for specialists working with persons committing domestic violence as well as providing aid to victims of domestic violence”* has been removed from expected result no. 97. However, the activity 5) under this expected result; *“To ensure activity of existing institutions providing aid to victims of domestic violence”* could potentially embrace the removed activity. See Action Plan matrix comment to expected result no. 97, 5).
- The activity *“To introduce regular reports on countering gender violence, including domestic violence and human trafficking”* has been removed from expected result no. 98.
- The expected result *“Efforts aimed at prevention of domestic violence are taken at the local level”* has been removed. While we do not know why this expected result has been removed, we can still note that this result corresponded to Expected Result 3 of the CoE project *“Preventing and combating violence against women and domestic violence in Ukraine”*, which foresaw greater cooperation between regional and local governments.⁷

As addressed in the assessment of the draft Action Plan, the authors may be interested to take into consideration the case-law of the ECtHR on the issue of domestic violence (see Action Plan matrix comments to expected result no. 96, 1 and 9.

While implementing activity 6 *“To create unified state system for collection and processing of data on domestic violence...”* under expected result no. 96, it might be relevant to take into consideration the CoE project *“Preventing and combating violence against women in*

⁷ Expected Result 3: A set of recommendations for cooperation between regional/local authorities and relevant stakeholders aimed at providing effective assistance to victims and survivors of VaW and DV as a basis for comprehensive and coordinated policies (Art.7,8,9 IC). CoE project *“Preventing and combating violence against women and domestic violence in Ukraine”*

Ukraine", which assists in defining a set of minimum common data categories required for collecting comprehensive public data on violence against women and domestic violence in the country.⁸

Taking into consideration the CoE Action Plan for Ukraine (section 5.10), activity 8” *To hold regular trainings of specialists of authorised bodies...*” under expected result no. 96, could include training on CoE regional standards, namely, the Istanbul Convention and the Explanatory Report to the Istanbul Convention (available in Ukrainian); as well as work with attitudes and target development of empathy towards potential victims of this crime. See Action Plan matrix comments to expected result no. 96, 8.

Expected result no. 97 “*The procedure for provision of aid to victims of domestic violence has been improved...*” could foresee the creation of a mechanism for legal aid to potential victims of domestic violence, together with mechanisms of physical protection, such as safe-houses, in cooperation with civil society. See Action Plan matrix comments to expected result no. 97.

While implementing activity 1 “*To develop and conduct an awareness-raising campaigns on formation of public awareness of intolerance of domestic violence*” under expected result no. 98, focus could also be given to combating stereotypes which are some of the root causes of domestic violence; as well as to promote knowledge about existing national, regional and international legislation on domestic violence. See Action Plan matrix comments to expected result no. 98, 1.

Finally, as has been mentioned in the assessment of the draft Action Plan, a strong focus in this results area is given to domestic violence against women and girls. While we support such an approach, we would also suggest that the authors explore ways of addressing issues related to men and boys as victims of domestic violence, as is also addressed by the Istanbul Convention.

17. Ensuring Equal Rights and Opportunities for Women and Men

In line with recommendations provided in the assessment of the draft Action Plan, the authors may want to further build upon and specify references to extensive international standards, including CoE regional standards.⁹ It is also advisable to specify which areas of national law will be given priority attention. See Action Plan matrix comments to expected result no. 99 and in particular activity 4.

While implementing activity 5 “*To take measures to achieve goals of the Council of Europe Gender Equality Strategy which are similar to... the National Strategy*”, under expected result no. 99, the authors may specify what strategic goals of the National Human Rights Strategy of Ukraine correspond to the CoE Gender Equality Strategy and what actions can be taken to address those specific goals. See Action Plan matrix comment to expected result no. 99, 5.

⁸ Expected Result 2: Ukrainian authorities define a set of minimum common data categories required for collecting comprehensive public data on violence against women and domestic violence in the country (Article 11 of the IC)/ CoE project “Preventing and combating violence against women and domestic violence in Ukraine”

⁹ A few examples include:

- Istanbul Convention;
- Council of Europe Gender Equality Strategy
- Organisation’s approach on gender mainstreaming, including the appointment of gender equality rapporteurs.
- European Parliament Resolution “on the EU Strategy for equality between women and men post 2015” (June 2015);
- “World Report 2015: EU” by Human Rights Watch
- CEDAW’s General Recommendation on women’s access to justice (July 2015).
- CEDAW country reports have also called for the ratification and implementation of the
- the UNECE (Economic Commission for Europe) Beijing+20 Regional Review report;
- UNODC’s International Classification of Crime for Statistical Purposes;
- EU Advisory Committee on Equal Opportunities for Women and Men: “Opinion on Gender Equality in the EU in the 21st century: remaining challenges and priorities”

The office of the Ombudsman could be further involved in the promotion of equality between women and men, and countering negative gender stereotypes, for example, via monitoring functions and complaints mechanisms (see Action Plan matrix comments to expected results no.100 and 102). The role of media with regard to awareness-raising on the mentioned issues shall not be disregarded. Thus, the drafters may want to consider actively including the Ministry of Information and media representatives in this work.

As noted in the assessment of the draft Action Plan of November 2015, the efforts to include gender knowledge components into the education system could begin already at the primary and secondary school level (see Action Plan matrix comments to expected result no.102, 3. When it comes to training professionals, following CoE Project 3225 “Improving women’s access to justice in Five Eastern countries”¹⁰ it is advisable to explore an opportunity to introduce *a training for professionals involved at the different stages of the justice chain (judges, prosecutors, lawyers, law enforcement), as well as to civil society organizations, on gender equality, women’s rights and non-discrimination* (see matrix comments to expected result no. 103). Such training could include the developments in ECtHR expressed in the new report “Equal access to justice in the case-law on violence against women before the European Court of Human Rights (2015)”

Furthermore, the authors may also be interested in proposing specific amendments to national laws, including the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” taking into account the case-law of ECtHR (see Action Plan matrix comments to expected result no. 99, 3).

As noted in the assessment of the draft Action Plan, further attention could also be given to the issue of sexual harassment, which is not addressed at this stage.

18. Prevention and Suppression of Discrimination

As an initial comment to this section of the Action Plan the authors may want to consider combating discrimination while at the same time pursuing a goal of functional multiculturalism, as mentioned and recommended in the Council of Europe Strategy for Ukraine, section.5.7.

Following up on the assessment of the draft Action Plan, we would like to reiterate that while implementing the Action Plan, it might be relevant to address other grounds for discrimination, which are not explicitly mentioned in the text, for example pregnancy, maternity, birth, health status, internal displacement, see the Action Plan matrix comment to expected result no. 105, 1. We also suggest that consistency is kept in the section and that discrimination on grounds of sexual orientation, as well as on gender identity, are consistently mentioned which is not always the case. See matrix comments to expected results no. 105, 3 and 109.

When describing “positive actions” in expected result no. 105, the authors may want to further define and broaden key areas of intervention, for example access to services and goods, education, health care, housing, labour, etc., as well as specify positive actions vis-à-vis members of certain groups, for example, such as Roma or Internally Displaced Persons. For more information, see the Action Plan matrix comments to expected result no. 105, 1 and 105, 4. The Law “On Principles of Prevention and Countering Discrimination of Ukraine” could potentially include a comprehensive anti-discrimination framework covering all fields of life. To this end, the Law could mention other well established grounds of discrimination,

¹⁰ Expected result: “Professionals involved at the different stages of the justice chain (judges, prosecutors, lawyers, law enforcement) have improved knowledge and skills on gender equality, women’s rights and non-discrimination”, CoE project “Improving women’s access to justice in Five Eastern countries” (1 Feb 2015 - 31 Dec 2016)

such as pregnancy, maternity, birth, health status and displacement; introduce a notion of discrimination on multiple grounds and prohibit direct and indirect racial discrimination (also, see Action Plan matrix comments to expected result no 105 1). When it comes to other national laws, it is advisable to introduce a uniform definition of racist incidents and apply this consistently throughout the criminal justice system, in order to ensure that cases can be tracked effectively (see Action Plan matrix comment to expected result no. 109).

The case-law of the ECtHR could be used to guide the implementation of the certain activities in this results area, namely, taking into consideration ECtHR cases on civil partnership of same-sex couples; cases on discrimination on the basis of sexual orientation and gender identity (see Action Plan matrix comments to expected result no. 105, 1 and 6).

While implementing activities relating to expected result no. 107 *“Unhindered access to effective legal remedies against discrimination...”*, the component on “training courses for law enforcement officials” could include recommendations of the ECRI Report (2012) and provide training on adequate investigation of allegations of misconduct by police and other law enforcement, especially towards vulnerable groups (see matrix comment to expected result no.107, 5)); also, focus could be given to the investigation and to bringing to justice persons, including politicians, who engage in anti-Semitic discourse in public and via the broadcast, print and electronic media (see matrix comment to expected result no. 109). Also, following recommendations by CoE Action Plan for Ukraine, the anti-discrimination training could be delivered also to “history educators” (see matrix comment to expected result no. 107, 7)).

As noted in the assessment of the draft Action Plan, the authors may also want to consider the CoE Disability Action Plan 2006–2015 as well as the draft CoE Disability Action Strategy 2017-2023. In addition, a focus on other areas could be included, such as education, vocational training, rehabilitation and employment of people with disabilities when addressing expected result no. 108 *“Liability for denial to reasonably adapt physical environment for [...people with disabilities...]”*.

When addressing expected result no. 110 *“The procedure for anti-discrimination expert examination of draft regulatory acts has been improved”*, it is advisable to define what body that in the future will be responsible for co-ordinating the authorities’ work on combating discrimination and to ensure that staff have strong expertise in the areas of anti-discrimination. Also, see Action Plan matrix comments to expected result no. 110, 1.

As to expected result no. 111 on *“Statistical data on violations of laws in the area of prevention and countering discrimination...”* consideration shall be given to relevant national laws as well as European and international regulations and recommendations on data protection and the protection of privacy (see Action Plan matrix comment to expected result no. 111, 2. While creating “categories of generalisation” of the court statistics, it is advisable to specify the grounds for discrimination, including such grounds as sexual orientation, gender identity, etc. (see matrix comment to expected result no. 111, 3.

The authors may also consider adding a focus on education and awareness-raising campaigns on various types of discrimination, prohibition on discrimination in the field of employment and on combatting stereotypes against certain groups. Also, see Action Plan matrix comments to expected results no. 105, 4 and 106.

Further attention could also be drawn to the fact that foreign nationals and stateless persons legally present in Ukraine do not have the equal protection of rights and freedom from discrimination compared to citizens.

Finally, we note that the following activity has been deleted under expected result no. 105 *“To develop and submit for consideration to the Cabinet of Ministers of Ukraine the draft law on amending the Labour Code of Ukraine...”*. We assume that this activity has been

removed from the Action Plan, since the amendment to the Labour Code has been passed in November 2015. At the same time, as noted in the assessment of the draft Action plan, further steps can be taken to ensure non-discrimination on the grounds of sexual orientation and gender identity not only in relation to labour, but other fields of life such as family relations, education, etc.

19. Protection of rights of indigenous groups and national minorities

In line with the proposal made in the assessment of the draft Action Plan, we maintain that it would be important for the enhancement of the protection of minorities and indigenous peoples in Ukraine that a specialised government authority dealing with minority issues be established. In particular, this new authority could be responsible for the co-ordination of the relevant activities of various ministries concerning issues pertaining to national minority protection, such as language policy, education, social policy and land distribution. See in this regard the Third Opinion on Ukraine, March 2012 of the Advisory Committee of the Framework Convention on the Protection of National Minorities, ACFC/OP/III(2012)002).

In addition, as regards the Roma minority, we would advise, unless it is a matter of translation, the authors to address this group consistently as “Roma”, avoiding making reference to terms that are seen as perpetuating negative connotations, such as “gypsy” (see activities related to expected results 113 and 116). As previously commented, the introduction of strategic plans for the protection of Roma and for overcoming their structural discrimination in all sectors of the society are needed. These programmes and actions would need to take full account of the interplay between different discrimination grounds, such as gender, ethnicity, poverty conditions, level of literacy, etc. In addition, and in order to guarantee full protection of their right to identity, the drafters could foresee the possibility of including provisions of legal support and outreach to Roma communities in order to facilitate the process of obtaining identity documents (see ECRI(2012)report, para. 71).

In line with previous recommendations we would also like to reiterate the importance of guaranteeing, by means of concrete and targeted actions, that Roma children are offered equal access to quality education, without discrimination, and promoting the full integration of Roma children into mainstream education, including at higher levels. The authors may want to find a way to address this in the Action Plan.

Finally, and as noted in the assessment of the draft Action, the introduction of new regulations regarding the status of indigenous groups, as well as all other measures that could directly affect them, should be adopted in close consultation with representatives of the concerned groups, (ACFC/OP/III(2012)002, para. 35-38). Unless there is already a mechanism for such consultation, the authors may want to address this issue in the Action Plan, by establishing such a mechanism.

20. Ensuring the Rights of Anti-Terrorist Operation Participants

We have noted that this section remains rather unchanged compared to the draft Action Plan. As noted in the assessment of the draft Action Plan, the status of participants in anti-terrorist operations is not as civilians and the conditions regarding their participation would therefore be better regulated in an administrative regulation than in this Action Plan. We have also noted that human rights approaches and human rights language is absent from this chapter, which is something that the authors may want to address.

21. Protection of Internally Displaced Persons

We welcome that the Action Plan outlines a work plan to protect internally displaced persons, including the implementation of the *Law on Ensuring the Rights and Freedoms of Internally Displaced Persons*. However, as noted in our previous assessment, the Action Plan would in this section benefit from including concrete and measurable indicators.

Relevant references to international instruments for the protection of the rights of IDPs could be made, including to the Council of Europe Committee of Ministers Recommendation 2006(6) to member states on Internally Displaced Persons and the UN Guiding Principles on Internal Displacement, as well the European Convention on Human Rights and the European Social Charter.

As also suggested in the assessment of the draft Action Plan, the Action Plan would benefit from adopting a human rights-based approach to the proposed activities and expected outcomes

- *basic livelihood is provided,*
- *procedures for IDP registration and provision of civil documents are simplified in practice*
- *education, social and health rights for IDPs are met,*
- *conditions are created for IDPs who chose to remain in new communities, voluntarily return to original places of residence, or resettle in other parts of the country,*
- *efficient measures for the restoration of rights of IDPs are introduced, including on access to remedies and compensation for lost or damaged property.*

Finally, we would also, in line with our comments to the draft Action Plan like to underline the importance of implementing Security Council Resolutions 1325, 1820, 1888, 1889 and 1960 that are binding for Ukraine. These resolutions encourage greater participation of women in decision-making processes in national security, a greater participation of women in official peace talks and negotiations, greater participation of women in armed forces units and peacekeeping contingents; and finally, they promote a greater participation of women in public diplomacy processes. The authors may want to consider including these issues in the Action Plan as well as cross-cutting gender perspective in areas of protection and assistance of IDPs.