

Ukraine

Ukrainian Parliament Commissioner for Human Rights

The Commissioner calls on regional human rights and rule of law monitoring bodies to give particular attention to the following issues as regards Ukraine:

- the urgency to address the systemic problem identified in the judgment of the European Court of Human Rights “Burmych and others v. Ukraine” regarding the implementation of decisions of national courts in Ukraine;
- the need to establish a legal mechanism to ensure the execution of decisions of the Constitutional Court of Ukraine – including decisions regarding the restoration of the rights of certain categories of citizens to benefits, as well as to receiving a pension in case of going abroad;
- the importance to address legislative gaps affecting the enjoyment of human rights and in particular the right to protection against discriminatory acts – and in particular: (1) providing liability for committing discriminatory acts and spreading hate speech; (2) providing liability for crimes committed on the grounds of intolerance such as race, skin colour, religious beliefs, sexual orientation, transsexuality, disability, language; (3) ensure the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

Independence and effectiveness of the NHRIs

International accreditation status and SCA recommendations

The Ukrainian NHRI was [reaccredited](#) with A status in October 2019. While acknowledging the proposed amendments to the establishing law, the SCA encouraged the NHRI to continue to advocate for a broader and more transparent selection and appointment process, as well as clearer limits to the terms of office of the decision-making body of the NHRI. Similarly, the SCA welcome the increase in funding to the NHRI but encourages the NHRI to keep advocating for the provision of adequate resources. Finally, the SCA encouraged the NHRI to strengthen its cooperation with civil society organizations.

Developments relevant for the independent and effective fulfilment of the NHRIs' mandate

Positive developments can be reported as regards funding supporting the national preventive mechanism (hereinafter - NPM).

The Law of Ukraine "On the State Budget of Ukraine for 2019" provided for the first time funds within the State Budget - in the amount of 2.6 million UAH - to support the NPM. This was one of the recommendations addressed to Ukraine by the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

In accordance with the Law of Ukraine "On the State Budget of Ukraine for 2020", in the year 2020 the funding supports the NPM in ensuring independent and effective monitoring visits for the observance of human rights in places of detention.

The Order of the Cabinet of Ministers of Ukraine of February 26, 2020 № 157 "On Amendments to the Procedure for Using Funds provided in the State Budget for Measures to Implement the National Preventive Mechanism" establishes the procedure and order for using funds allocated for the implementation of the national preventive mechanism, in particular for:

- conducting monitoring visits to places of detention in order to verify compliance with the human rights;
- involvement of experts, researchers, translators in monitoring visits;
- organization and holding of trainings and seminars for employees of the Department, regional coordinators, public monitors;
- conducting foreign business trips, to participate in international conferences and exchange experiences with representatives of the national preventive mechanism in different countries;
- purchase of protective equipment and facilities for more effective monitoring visits to places of detention.

References

- <https://zakon.rada.gov.ua/laws/show/157-2020-%D0%BF>

Human rights defenders and civil society space

As of today, Ukraine has no law that regulates the procedure to exercise of the freedom of peaceful assembly, although. However, at the same time, a provision Article 185.1 of the Code of Ukraine on Administrative Offenses, Article 185.1, allows to sanction violations of public order in the exercise of this freedom . Although, court decisions under this article have so far been made in favour of activists, the Ukrainian Parliament Commissioner for Human Rights, in its Annual Report on the state of observance and protection of human and civil rights and freedoms for 2019, emphasised the need to repeal the provisions of Article 185.1 of the Code of Ukraine on Administrative Offences for reasons of legal certainty.

An analysis of journalists' appeals regarding an illegal denial of access to information indicates problems in the implementation of the pre-trial investigation by the National Police of Ukraine (part one of Article 171 of the Criminal Code of Ukraine), which hinders the implementation of professional activities.

The results of the parliamentary control over the observance of the right of access to public information attested the effectiveness of administrative measures against authorities holding information (such as public authorities, other state bodies, local governments, etc. - pursuant to Article 13 of the Law of Ukraine "On access to the Public Information") which violate the right to access information by unduly refusing disclosure; as well as of the criminalisation of the act of failure to provide information to the journalist deprives this person of the right to effective protection in order to quickly ensure access to the necessary information. The presence of an ineffective pre-trial investigation under part one of Article 171 of the Criminal Code of Ukraine leads to non-compliance with the requirements of Articles 6 and 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

In view of the above, the Commissioner made recommendations to the Parliament proposal on the reduction of the state interference in the professional activities of journalists, on abolition of criminal liability for violations of journalists' rights to information and on expansion of administrative sanctions of Article 212-3 of the Code of Ukraine on Administrative Offenses for obstructing lawful professional activities of journalists.

To improve the procedure of bringing to administrative responsibility for violation of information rights, the Commissioner submitted proposals to the Parliament within the elaboration of the draft Law of Ukraine on Amendments to Certain Legislative Acts of

Ukraine, in particular, to the Code of Ukraine on Administrative Offenses of 25.03.2020 registration № 3265.

Checks and balances

The Commissioner's monitoring revealed a longstanding lack of enforcement of court decisions of courts of various jurisdictions in Ukraine.

The government has not taken measures to enforce the decision of the European Court of Human Rights "Burmich and others v. Ukraine", combining in one case more than 12000 complaints of citizens filed against Ukraine regarding non-enforcement of court decisions in Ukraine. Laws to address these issues have not been adopted. In February 2020, the Commissioner submitted the next act of response to the central executive authority (Ministry of Justice of Ukraine) regarding the adoption of regulatory documents to ensure the implementation of this decision of the European Court of Human Rights.

Since 2009, the Constitutional Court decision has not been executed. This requires the settlement at the legislative level of the issue of pension payment to citizens of Ukraine permanently residing abroad. In November 2019, the Commissioner submitted an act of response to the Government of Ukraine to take measures to ensure the realization of the right of citizens to a pension without discrimination on the basis of residence.

The decisions of the Constitutional Court of Ukraine on the restoration of benefits to citizens affected by the Chernobyl disaster and to war veterans and their families are equally not being implemented. Bodies of social protection of the population continue to apply the norms of legislation, which have been recognized as unconstitutional. As a result, citizens do not receive their benefits. The reason is the lack of a mechanism for the enforcement of decisions of the Constitutional Court of Ukraine (CCU). Laws to address these issues have not been adopted. In November 2019, the response act has been submitted to the central executive authority (Ministry of Social Policy of Ukraine) to take measures to renew the right of citizens to benefits in accordance with the indicated decisions of the Constitutional Court. The issue remains unresolved.

There are widespread claims of non-fulfilment by the Pension Fund of Ukraine of court decisions on the restoration of individual citizens' rights in the field of pension provision and as a consequence of their failure to receive timely pension payments. The reasons are not taking into account the provisions of the motivational part of such decisions. The Commissioners submitted acts of response to the central executive bodies (the Ministry of Social Policy of Ukraine, the Pension Fund of Ukraine) for each the revealed fact.

Local executive bodies and citizens have no way to predict their actions and behaviour in the field of social protection and pensions. The reason is accelerated legislative process in these areas, as between the adoption of the legal act and entry into force of its provisions is not sufficient time period. As a result of this situation, the right of citizens to timely receive social benefits and privileges is violated

The above-mentioned problematic issues are highlighted in the Ukrainian Parliament Commissioner`s for Human Rights Annual Report on the state of observance and protection of human and civil rights and freedoms in Ukraine for 2019.

References

- Ukrainian Parliament Commissioner`s for Human Rights Annual report on the state of observance and protection of human and civil rights and freedoms in Ukraine for 2019
- <http://www.ombudsman.gov.ua/ua/page/secretariat/docs/presentations/&page=4>

Functioning of justice systems

When monitoring the observance of procedural rights, the Commissioner has identified the problem of non-provision of legal assistance of an interpreter at the trial stage to persons, who did not speak at all or do not speak enough the state language, even despite the existing regulatory framework.

The relevant response letter has been submitted by the Commissioner to the central executive body, responsible for functioning of the system of free secondary legal aid in Ukraine, to eliminate obstacles to the right to a fair trial to obtain legal aid translator. Based on the results of consideration of the said response act, a resolution of the Cabinet of Ministers of Ukraine on regulation of payment for translation services was adopted at the initiative of the Ministry of Justice.

However, the issues of maintaining (filling) the register of translators and the mechanism of their involvement in criminal proceedings remained unresolved. Therefore, the head of the central executive body, whose tasks include ensuring the functioning of the system of free secondary legal aid in Ukraine, was reiterated the need to take appropriate measures to address this issue.

At the end of 2019, the Ministry of Justice set up a working group to develop a proposal for the legislative settlement of certain issues regarding the definition of requirements for translators and the mechanism for their involvement in pre-trial investigation and trial. To date, to regulate the issue of payment for services provided by translators (sign language interpreters), who are involved in providing free secondary legal aid in the prescribed manner, without applying the appropriate public procurement procedure, a draft law has been developed to simplify procurement of the services of interpreters involved in provision of free secondary legal aid in the prescribed manner. The said draft law will be submitted to the Verkhovna Rada of Ukraine after its approval by the interested bodies. Its adoption will improve the quality of secondary legal aid and solving the problem.

The problem of observance of the right to an effective remedy also deserves attention, in particular as regards the lack of timely notification of the Free Legal Aid centres about the detention of a person, which impairs the access to a lawyer. According to the findings of the Commissioner's monitoring, officials of certain bodies of the National Police did not comply with the requirements of informing the centres for free secondary legal aid about cases of detention, administrative arrest or detention.

The Commissioner sent a number of acts of response to both the Minister of Internal Affairs of Ukraine and the Prosecutor's Office to eliminate violations of procedural human rights to protection during detention. Based on the results of consideration of the above-mentioned acts of response, the Ministry of Internal Affairs and the Prosecutor's Office conducted official investigations and brought the perpetrators to disciplinary responsibility.

Issues concerning access to legal assistance by persons deprived of liberty was also identified during the NPM's monitoring visits to places of detention in 2018-2019, which found out that in most institutions, detainees were unaware of their right to free professional legal assistance. This makes it impossible to lodge a complaint with the authorities in cases of torture and ill-treatment. Based on the results of the monitoring visit, a report was prepared outlining the essence of violations, provided relevant recommendations and response acts. The report was sent to the executive authorities, which in accordance with the established powers have the right and competence to eliminate identified violations. Violations of the right of detainees to access legal assistance are also highlighted in the annual reports of the Ukrainian Parliament Commissioner for Human Rights for 2018-2019.

In 2019, there were still reports of failure to consider citizens' reports of crimes and consequently enter information into the Unified Register of Pre-trial Investigations. Citizen also pointed to the failure or refusal by authorities to provide extracts from the Unified Register of Pre-trial Investigations, to disclose information about crimes or about decisions to close of closing criminal proceedings. Following up to complaints received by the Commissioner about the failure or refusal by the authorities to provide information about the consideration of reports of crimes, ongoing investigations or termination of criminal proceedings, as included in the Unified Register of Pre-trial Investigations, the Commissioner addressed relevant response acts to the Prosecutor's Office for urging it to initiate inspections of the legality of decisions concerning on the consideration of applications and reports of criminal offences and disclosure of relevant information. As a result, the information on 15 cases, was entered in Unified Register of Pre-trial Investigations.

In total, as a result of established violations of procedural rights, the Commissioner sent 738 response acts to state bodies, including 111 to the National Police of Ukraine, 406 to the prosecutor's office, 73 to the State Bureau of Investigation, and 148 to the judiciary. During the participation in 101 court hearings the observance of procedural rights during the hearings was monitored.

Another problem is the non-enforcement of court decisions in Ukraine, which is systemic in nature. During 2019, 278 applicants appealed to the Commissioner claiming the impossibility of enforcing a court decision. As in the past, this situation is the result of many economic and legislative factors. Following the consideration of these complaints, the Commissioner addressed to the Minister of Justice of Ukraine a response act urging it to address the issue, which amounts to a violation of the right to a fair trial within a reasonable time established by Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

References

- Ukrainian Parliament Commissioner`s for Human Rights Annual report on the state of observance and protection of human and civil rights and freedoms in Ukraine for 2019
- <http://www.ombudsman.gov.ua/ua/page/secretariat/docs/presentations/&page=4>

Media pluralism

During the monitoring of the right to freedom of expression and respect for guarantees of professional journalism, the Commissioner has in recent years identified various limitations of media pluralism such as inefficiency of law enforcement agencies in investigating cases of pressure on journalists' freedom of speech, including in the temporarily occupied territories of Donetsk and Luhansk regions, the Autonomous Republic of Crimea and the city of Sevastopol.

In particular, in July 2016 continued pre-trial investigation into the murder of journalist Pavel Sheremet. The Commissioner is concerned about delaying the investigation of this and other high-profile crimes and repeatedly appealed to the law enforcement authorities to ensure the implementation of effective investigation and respect for fundamental human and civil rights.

On April 29, 2020, law enforcement officers inflicted bodily injuries on journalist Bohdan Kutepov while performing his professional duties and damaged the camera equipment of the Hromadske UA TV channel. The Commissioner addressed the leadership of the National Police with a demand to conduct a prompt and impartial investigation.

An analysis of the state of observance of the right to freedom of expression in the temporarily occupied territories shows that the work of independent journalists is almost impossible due to cases of pressure, in particular, attacks, torture, detention and seizure of property, etc.

On April 19, 2016, FSB officers detained a Crimean journalist, the author of "Crimea. Realities" project Mykola Semena. On the occupied peninsula, he was accused of publicly calling for a violation of Russia's territorial integrity, detained and sentenced to four years in prison. Thanks to the measures taken by the Commissioner, in January 2020 the journalist got a resolution on early termination of probation and removal of his criminal record. The activist is currently on the mainland of Ukraine and undergoing treatment. At least 18 Ukrainian information sites and 2 social networks are completely blocked on the territory of the occupied peninsula. On these issues, the Commissioner engages with the Commissioner for Human Rights of the Russian Federation, including requests to assist in the restoration of violated rights of Ukrainian citizens.

The above-mentioned problematic issues are highlighted in the Annual Report of the Ukrainian Parliament Commissioner for Human Rights for 2019. In particular, it is stated that

interference in the professional activities of journalists violates the guarantees of journalistic activity, which stipulate that a journalist has the right not to disclose the source of information or information that allows establishing the source of information, except when required by a court decision under the law.

In-focus section on COVID-19 measures

Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law in the country

In the context of the COVID-19 outbreak and the measures adopted to respond to it, the Commissioner:

- participates in the meetings of the Committees of the Verkhovna Rada of Ukraine and the Government, which consider issues related to combating the spread of acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2 in Ukraine;
- provides proposals and recommendations, sets out the position on draft regulations aimed at resolving problematic issues in various spheres of public life of Ukraine, sent to the Commissioner from the central executive authorities for considering and for approval;
- conducts remote monitoring of official websites of the legislature, central, local executive and local governments and notifications of citizens on the observance of social rights in quarantine and emergency, introduced in connection with the spread of acute respiratory disease in Ukraine COVID-19 caused by coronavirus SARS-CoV-2.

Also, in accordance with the recommendations of the UN Subcommittee on Prevention of Torture and the CPT, the Commissioners continued their activities to conduct targeted monitoring visits to the national preventive mechanism to verify respect for human rights in quarantine measures related to the COVID-19 coronavirus epidemic.

Recommendations for monitoring visits to places of detention and observation in conditions of quarantine measures related to the coronavirus epidemic COVID-19 have been developed and implemented in practice. During the period of quarantine in Ukraine, until June 22, 2020, representatives of the Secretariat of the Commissioner conducted 237 targeted monitoring visits to places of detention, during which a number of human rights violations were revealed.

Under the chairmanship of the Commissioner, there were held working meetings with representatives of central executive bodies responsible for the legal regulation of places of detention. On April 2-3, 2020, meetings were held in the Office of the Commissioner with representatives of the relevant ministries and other central authorities in order to conduct anti-epidemic measures in places of detention.

The situation with the spread of acute respiratory disease COVID-19 and the resulting quarantine measures, led to the restriction of a number of rights and freedoms of citizens, in particular:

Ensuring the right to social protection

The monitoring established that in March 2020 amendments were made to the regulations, which stipulate that if a person with a disability has missed the re-examination period by a medical and social expert commission during the quarantine period, the payment of a pension or state disability benefit is not suspended until expiration of restrictive measures imposed for the period of quarantine, followed by recalculation of the amount of these payments.

Reports received from citizens in April 2020 testified that these norms are not complied with in practice by the territorial bodies of the Pension Fund of Ukraine.

In April 2020, the Commissioner submitted an act of response to the central executive body (Pension Fund of Ukraine) to ensure compliance with the legislation, as well as to ensure the timely appointment (recalculation) of pensions during the implementation of quarantine measures.

According to the monitoring in April 2020, 90 official websites of local executive bodies and local bodies, there have been found violations of the rights of privileged categories of citizens to free travel in 22 regions of Ukraine by 7 local governments. In April 2020, the Commissioners submitted acts of response to the heads of these bodies to take urgent measures to restore and ensure the realization of the right of citizens to preferential travel. As a result of the Commissioner's intervention, the rights of citizens to preferential travel in Zhytomyr city and Voznesensk city (Mykolaiv region) were restored.

According to the report, in April 2020, a volunteer organization on the accumulation of homeless people in various parts of the capital of Ukraine, the Commissioner monitored the provision of their right to receive social services in quarantine.

In April 2020, the Commissioner submitted an act of response to the Head of the Kyiv City

State Administration, the Mayor of Kyiv regarding the measures taken to organize and provide social services to homeless persons in the relevant territory.

Ensuring the right to health care

The Commissioner's monitoring revealed various issues impacting on the right to healthcare, including:

- restrictions on citizens' access to medical services, especially at the secondary level of medical care under quarantine and medical reform;
- inadequate provision of privileged categories of citizens with free medicines and medical devices;
- inability to undergo vital medical procedures due to the problem of transporting patients to and from health care facilities;
- non-receipt of services of medical and social expert commissions;
- failure to provide proper maintenance and medical support in specialized institutions for the organization of observation (isolation).

In April 2020, the Commissioner submitted acts of response to the central executive bodies on the state of financial support of health care facilities and medical care, medicines and medical devices under quarantine and medical reform, on ensuring the provision of social transportation services to obtain vital medical supplies procedures and settlement of the situation with examinations by the medical and social expert commission after the end of quarantine and to the regional state administration to take measures to ensure the organization of food and medical care.

Ensuring the right to education

The Commissioner's monitoring revealed various measures impacting on the right to education, including:

- the Government's ban on visiting educational institutions by its applicants;
- introduction by the central executive body (Ministry of Education and Science of Ukraine) of changing the form of education (full-time, part-time, part-time to distance (online) form) for all educational institutions in connection with the introduction of restrictive measures by the Government;
- restricting the rights of children in difficult life circumstances to access education in the proposed distance (online) form.

In April 2020, the Commissioner submitted the response acts:

- to the central body of executive power (Ministry of Education and Science of Ukraine) on the accessibility of education for persons in difficult life circumstances;
- to 25 local executive bodies in the field of education and to 7 higher education institutions for the realization of the right of man and citizen to equal access to professional (vocational), professional and higher education and ensuring the implementation of educational programs in quarantine.

Ensuring the right to work

The Commissioner's monitoring revealed various issues impacting on the right to work, including:

- an increase in the number of people fired during quarantine;
- the restrictive measures imposed by the Government have led to changes in working hours and working conditions for workers;
- the introduction of a moratorium on planned and unscheduled measures of state supervision (control) on labour issues deprived citizens of the right to use such means of protection of violated labour rights as the employer's inspection by territorial bodies of state power on labour issues;
- an increase in the number of people applying to territorial bodies of state power for unemployment benefits and employment assistance.

Safe working conditions have not been created for medical workers (there are not enough special personal protective equipment to work with patients with infectious diseases).

In April 2020, the Commissioner submitted response acts to the Government, the Head of the Zhytomyr Regional State Administration and the Kyiv City Mayor. In order to increase the legal awareness of citizens about current changes in labour legislation, labour rights in quarantine, as well as actions in case of dismissal, an explanation of the labour rights of citizens in quarantine. The Government adopted an Order № 306 "On approval of the procedure for providing and refunding funds aimed at financing partial unemployment benefits for the period of quarantine implemented by the Cabinet of Ministers of Ukraine to prevent the spread of acute respiratory disease COVID-19 caused by SAR-CoV-2" dated 22.04.2020. This Procedure provides a mechanism to support employers in connection with the forced suspension (reduction) of employees during the quarantine period, which allows you to save jobs, reduce the burden on employers and prevent rising unemployment.

Ensuring the right to culture

Monitoring of the official website of the central executive body (Ministry of Culture and Information Policy of Ukraine) and 36 websites of local executive bodies in the field of culture and local governments on the organization of cultural services in online format, revealed a low level of promotion and development of innovative forms of cultural services in quarantine and restrictive measures.

In April 2020, the Commissioner submitted an act of response to the central executive body (Ministry of Culture and Information Policy of Ukraine) regarding the response measures to expand cultural online services for citizens.

Ensuring the rights of children

In connection with the COVID-19 outbreak, one of the most important issues has been ensuring the rights of children whose families are in difficult life circumstances. According to information received by the Secretariat of the Ukrainian Parliament Commissioner for Human Rights, due to the implementation of quarantine measures in Ukraine, more than 40,000 children from boarding schools have returned to their parents, most of them are in difficult life circumstances. Those families need to have social support and targeted financial support.

However, due to poor coordination in the work of the relevant governmental bodies, bodies responsible for education and educational institutions did not inform the guardianship authorities and the children's service about the return of these children to their parents' places of residence.

This situation is significantly complicated by the fact that in the conditions of decentralization of power at the local level, social services and children's services are not formed or significantly understaffed.

In order to resolve this situation, the Commissioner held a meeting with representatives of relevant ministries and the UNICEF Office in Ukraine. During the meeting the parties discussed the topic and it was clarified that currently it is impossible to ensure the quality and effectiveness of social support for families and monitoring the rights of children in families due to the lack of children's services and social workers.

Following the discussion, the Commissioner sent a letter to the Prime Minister of Ukraine with a request to introduce a subvention from the State Budget for the positions of social

work specialists, holding relevant meetings with representatives of ministries and local authorities to ensure coordination of inspections of each family, in which children were returned from boarding school with the aim to create a safe environment for the child in the family, to ensure coordination and control of ministries and local state administrators actions to protect the rights of vulnerable children.

The letter was also sent to the UNICEF Office in Ukraine with a request to consider assistance to the Ministry of Social Policy of Ukraine, as well as to regional state administrations in providing means of protection to workers that monitoring families with aim to determine their needs, providing assistance to these families and, if possible, providing humanitarian support to families with children who have returned from boarding schools in quarantine and faced difficult life circumstances.

Taking into consideration a significant increase of domestic violence cases which also affects children all over the world and in Ukraine as well, the official website of the Commissioner published information for children on how to get help in case of domestic violence.

The recommendations of UN human rights experts on strengthening the protection of children from violence, human trafficking, sexual violence and exploitation in the context of the COVID-19 virus pandemic had been sent to the Ministry of the Interior of Ukraine and the Ministry of Social Policy of Ukraine.

Increase of gender-based and domestic violence cases

Quarantine measures, including self-isolation, led to increase of domestic violence. According to the information from “La Strada Ukraine”, which protects the rights of women and children, the organization's call centre recorded 2,051 appeals in the first month of quarantine, while in January and February this figure reached 1273. The vast majority of appeals were from women. The Ministry of Internal Affairs of Ukraine has also reported about increasing of domestic violence cases in the context of the coronavirus.

Due to the increase of domestic violence cases during quarantine, the Commissioner on the official website provided clarifications with contacts of institutions that qualified to give assistance in domestic violence case.

With the spread of disease COVID-19 in Ukraine, there is a deterioration of situation concerning women from vulnerable groups; in particular, there is a risk of women and girls illegal activities due to lack of employment opportunities.

The Commissioner was sent a response act to the National Police of Ukraine with a request to take all possible measures to prevent and combat cybercrime related to violations of the rights of minors, including sexual exploitation and fraud against them, as well as violent crimes against vulnerable groups.

Restrictions of the right to freedom of movement

On April 23, 2020, the Commissioner received information about intention of the mayor of the Ivano-Frankivsk city to forcibly relocate the Roma nationals to another region due to the threat of the spread of coronavirus infection.

The Commissioner sent a response act to the city mayor to prevent incitement to national hatred and violation of Roma rights to freedom of movement.

A response act was also sent to law enforcement agencies regarding the proper investigation of a criminal offense initiated on the fact of inciting national hatred against Roma nationals.

The Commissioner also receives numerous appeals from citizens of Ukraine, who are unable to return home due to restrictions established at the checkpoints between the temporarily occupied territories of Ukraine and the territories in Donetsk and Luhansk regions.

In this regard, the Commissioner made a request to the Head of the Joint Forces Operation to provide an opportunity for citizens to cross the contact line with humanitarian purposes.

Observance of the right to return to the homeland for citizens of Ukraine

About 9,000 Ukrainian citizens are currently abroad, they do not have the opportunity to return home due to restrictive measures introduced in foreign countries.

In this regard, the Commissioner sent a letter to the Minister of Foreign Affairs of Ukraine. In response, it was confirmed that the Ministry of Foreign Affairs of Ukraine continues to take measures for returning out citizens to Ukraine.

The Secretariat of the Commissioner at the requests of citizens of Ukraine abroad also provides clarification on possibility to obtain consular and legal assistance from diplomatic and consular missions of Ukraine.

Most important challenges due to COVID-19 for the NHRI's functioning

At the present moment, there are some objective complications in the work of the Secretariat of the Commissioner due to absence of possibility for timely processing of

some appeals or complaints in opened proceedings, in particular in those areas where the main activities of the subjects of control are limited due to quarantine.

First of all, these are no answers from the subjects of control to the inquiries made by the Secretariat of the Commissioner (even to the repeated inquiries) in the frames of the proceedings (that is probably caused by actual absence of employees of the subject at place of work).

In addition, the current legislation provides for the procedure for drawing up reports on administrative offenses in the field of personal data protection, does not provide a possibility of drawing them up without the direct participation of the offender (in particular due to the impossibility of handing a second copy of the protocol).

Another problematic issue is an absence of logistic for arrangement of monitoring visits to places of detention in remote settlements, even despite the fact that the staff of the Secretariat of the Commissioner has all necessary protection (masks, gloves, gowns, etc.).

In order to monitor the observance of the rights of children who due to the quarantine have returned from boarding schools to their families, the Commissioner collects weekly information from the Ministry of Social Policy of Ukraine on monitoring social rights of such children in families, increasing or decreasing number of families in difficult life circumstances, discovering cases of taking of children from their parents in connection with the threat to life and health of the child.

In order to fulfil the powers provided by law, the Commissioner exercised remote work for its employees and practiced holding online workshops, round tables, seminars, etc. The official website contains information on working hours of the Secretariat of the Commissioner and order of reception of applicants under COVID-19.

References

- <http://www.ombudsman.gov.ua/ua/all-news/pr/zd%D1%96jsneno-mon%D1%96toring-organ%D1%96zac%D1%96%D1%97-roboti-z-nadannya-kulturnix-poslug-v-onlajn-format%D1%96-v-umovax-karantinu/>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/zapob%D1%96gannya-domashnomu-nasilstvo-v-umovax-karantinu-kudi-zvertatisya/>
- <https://zakon.rada.gov.ua/laws/show/540-20#n253>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/doderzhannya-prav-gromadyan-na-otrimannya-pens%D1%96j-v-umovax-karantinu-na-kontrol%D1%96-upovnovazhenogo/>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/rezultati-mon%D1%96toringu-zabezpechennya-u-ki%D1%94v%D1%96-prava-bezdomnix-os%D1%96b-na-otrimannya-socz%D1%96alnix-poslug-v-umovax-karantinu/>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/rinok-pracz%D1%96-v-umovax-karantinu/>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/trudov%D1%96-prava-v-umovax-karantinu/>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/zapob%D1%96gannya-domashnomu-nasilstvo-v-umovax-karantinu-kudi-zvertatisya/>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/zavdyaki-reaguvannyu-upovnovazhenogo-na-teritor%D1%96%D1%97-zhitomirsko%D1%97-m%D1%96sko%D1%97-otg-v%D1%96dnovlen%D1%96-prava-gromadyan-na-p%D1%96lgovij-pro%D1%97zd-u-gromadskomu-transport%D1%96/>
- <http://www.ombudsman.gov.ua/ua/all-news/pr/zavdyaki-reaguvannyu-upovnovazhenogo-v%D1%96dnovlen%D1%96-prava-gromadyan-na-p%D1%96lgovij-pro%D1%97zd-u-gromadskomu-transport%D1%96-na-teritor%D1%96%D1%97-voznensko%D1%97-m%D1%96sko%D1%97-otg-mikola%D1%97vsko%D1%97-oblast%D1%96/>
- <https://zakon.rada.gov.ua/laws/show/306-2020-%D0%BF#Text>

