

Submission UPR 54th session Review on Ukraine

Submission UPR Review on Ukraine and Democracy, Proposals and Recommendations on Security and Human Rights



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I.Introduction: What follows for this Universal Periodic Review will focus on Ukraine's ability to provide security for its citizens and allow for the exercise of their human rights. Especially in the present perilous situation in which the nation finds itself, unavoidable tensions will appear between the authority lodged in the state and the liberty demanded by civil society. In moments of crisis, however, tensions are heightened by the fact that rights are always invoked by dissidents, minorities, outsiders, and those who question the unity and discipline demanded by the state. The assumption guiding our report is that rights and security should not be pitted against one another, but that liberty is the highest principle and authority must prove subordinate to law in a democratic society. Compromises regarding constraints on rights, and taking risks with security, are embedded in the idea of a liberal order. The goal is to strike a balance between them. Our concerns and recommendations should be understood with that in mind.

II. Context and Engagement: When the Russia-Ukraine War began in 2021, commentators believed that it would take only a few weeks for Ukraine to surrender in the face of Russian aggression. Through the remarkable resilience of its people and military innovations like reliance on drones, however, Ukraine has endured. It gained the world's sympathy and the United States

appropriated aid in excess of \$180 billion. But that unswerving admiration is waning. Though the United States and Europe signed a joint statement at the G-7 summit of 2026 that affirmed their solidarity with Ukraine, just a few days earlier, President Donald Trump stated baldly that Ukraine is now on its own and that he “wants nothing to do with it.”

Europe’s “coalition of the willing” is dedicating \$235 billion in military, financial, and humanitarian aid. Its members should be commended along with those Ukrainian officials who secured their support. But the same fundamental problem remains. Europe is spending nearly \$1 trillion on its own defense and aid to Ukraine at the present scale cannot go on forever. An “end game” is lacking. Seemingly endless tactical military maneuvers are wasting lives and resources, peace negotiations are proceeding at a snail’s pace, and war fatigue is growing.

III. Framework for Recommendations:

Ukraine needs to rekindle the enthusiasm of allied states and their citizens in order to strengthen its case for future aid and support. Publicizing Russian atrocities is insufficient given the mass atrocities elsewhere that have produced what has been called “genocide apathy.” Something more positive is necessary. A new approach begins with an overarching policy that celebrates Ukraine’s democratic character by attacking xenophobia and other authoritarian trends. Such concerns enter into the battle for the regional future of democracy, the determination of hegemony, and the imperialist threat Russia poses to Europe and the Baltic states.

IV. Recommendations: Strengthening national security and furthering human rights are part of the same struggle. Support from abroad and cohesion at home will both benefit from policies that render civil society more robust, cultivate pluralism, and show the world what democracy looks like.

A) Governance:

- 1 **Elections:** Regular elections are an essential part of a democratic polity. Ukraine’s last was in 2019 and it was judged fair by OSCE. Such elections constitute a legitimating mechanism and there is no need to fear discord even during this difficult time. It is precisely in times of crisis that civil liberties and democratic norms should flourish—because that is

precisely when the government most needs to hear from its citizenry. In accordance with Ukraine's obligations under Article 25 of the International Covenant on Civil and Political Rights, therefore, we believe that Ukraine should: **a)** establish a credible electoral calendar for presidential and parliamentary elections as soon as security conditions permit; **b)** strengthen the government's ability to counter foreign and domestic-extremist disinformation; **c)** request an OSCE/ODIHR election observation mission with an enhanced mandate for media monitoring and campaign finance oversight; **d)** lift restrictions on the right to vote of internally displaced persons in compliance with the recommendations of the Human Rights Committee (CCPR/C/UKR/CO/8, para.36

Basis: CCPR/C/UKR/CO/8. Paras.35-6 (IDP rights); ODIHR 2015 (electoral observation)

- 2 **Corruption:** Ukraine has been tainted by corruption, which is a particularly serious matter given the amounts of foreign aid that flow into the country, and the impact that this can have on war fatigue. President Zelenskyy has set up investigative commissions to root out corruption in his cabinet and in the military. At home and abroad, however, citizens are still skeptical. A more robust strategy is required. We think that Ukraine should **a)** coordinate with the High Council of Justice about how to bring more qualified justices to the bench and meet EU integration requirements; **b)** strengthen the sanctioning powers of the State Fiscal Service (SFS); and **c)** render economic oversight more transparent through public campaigns. OECD gave Ukraine a compliance score of 57.4 out of 100 for judicial independence. That score is not high enough.
3. **Internally Displaced Persons:** IDPs are a priority concern with respect to the nation's stability and governance. We propose that Ukraine implement the Law on the Rights and Freedoms of Internally Displaced Persons (2014) and recommendations of the Special Rapporteur on IDPs by: **a)** simplifying registration and identity documentation procedures, especially for Roma and those who lost their documents in conflict zones; **b)** de-coupling pensions and social benefit payments from IDP status (CCPR/C/UKR/CO/8, par. 36); **c)** guaranteeing IDPs the right to vote wherever their current residence; **d)** developing a national strategy for durable solutions to the IDP problem that would include housing, education, employment, and benefits.

Basis: CCPR/C/UKR/CO/8, paras. 35-36; CEDAW/C/UKR/CO/9, paras 17-18; A/HRC/WG.6/28.UKR

B) **Civil Rights:** Ukraine has successfully met European integration standards with a newly egalitarian Law on Minorities and legislation to protect indigenous peoples, such as the Tartars. This is significant and important. But linguistic and educational rights for national minorities are often said to be honored more in the breach than in reality. We propose **a)** the official recognition of same-sex marriage; **b)** stronger hate-crime legislation for attacks on the LGBTQ community, the Roma, and African immigrants; and **c)** legislation that would better integrate such marginal groups into the public sphere. These concerns resonate in the West and strengthening the human rights of the marginalized will contribute to support from abroad and heightened security for Ukraine.

1. **Discrimination and Hate Crimes:** We propose that Ukraine should **a)** align its anti-discrimination codes and legislation with Article 1 of the Convention on the Elimination of all Forms of Discrimination against Women and Article 26 of the International Covenant by explicitly including sexual orientation, gender identity and national origin as prohibited grounds of discrimination (CEDAW/C/UKR/CO/9, para. 21; CCPR/C/UKR/CO/8, para 14); **b)** revise Article 161 of the Criminal Code so that it highlights hate crimes based on sexual orientation and gender identity, in accordance with the recommendations of the Human Rights Committee (para. 16); **c)** establish a governmental mechanism for collecting disaggregated data on hate crimes that includes motivations based on ethnicity, religion, sexual orientation, gender identity and national origin as prohibited grounds of discrimination (CEDAW/C/UKR/CO/8, par 14-16, CEDAW//UKR/CO/9, paras. 21, 28-30; A/HRC/37/16, rec. 116.40, 116.52

2. **Freedom of Conscience and Religion.** This is a fundamental concern of CAP LC, and we call upon Ukraine to guarantee the effective right to freedom of religion and conscience. This is in accordance with Article 18 of the International Covenant and Article 9 of the European Convention on Human Rights. We believe that the government should: **a)** ensure impartial and prompt investigation of all acts of violence, intimidation and vandalism

targeting places of worship and the sanctioning of those responsible (CCPR/C.UKR/CO/8, para.46); **b)** facilitate the peaceful transition of religious jurisdiction from the Ukrainian Orthodox Church to the Orthodox Church of Ukraine; **c)** defend the rights of minority religious communities – notably Jehovah’s Witnesses, Crimean Muslims, and Protestant congregations-- in government controlled territories and document violations by occupation authorities in Crimea and Donbas.

Basis: CCPR/C/UKR/CO/8, paras. 45-6; A/HRC/WG.6/28/UKR/3 (stakeholder submissions, EAJCW,IRF, ADFI); A/HRC/37/16/16, paras. 17, 19.

3. **The National Preventive Mechanism (NPM):** We note here another priority issue that has been raised by external rights institutions, namely, that: **a)** Ukraine strengthen the funding and operative efficiency of its national preventive mechanism designed to prevent and exercises of discrimination and disenfranchisement; **b)** improve the training of its members including medical professionals and social workers; **c)** guarantee follow-up on the implementation of mechanism recommendations by state authorities.

Basis: CAT/C/UKR/CO/7, paras. 27-28; A/HRC/37/16, rec. 116.89

C. War and Peace:

1. **Torture and Due Process:** Eliminating torture and defending due process are priorities for any liberal democratic order. We propose that Ukraine align the definition of torture in Article 127 of the Criminal Code with Article 1 of the Convention against Torture. That would call for **a)** including discrimination and the responsibility of superiors in that definition; **b)** treating confessions gained through torture as inadmissible in legal proceedings (CAT/C/UKR/CO/7, paras. 9-10); **c)** making the recording of all interrogations by legal authorities mandatory (CAT/C/UKR/CO/7, paras. 12); **d)** strengthening the operational independence of the State Bureau of Investigation (DBR) in investigating allegations of torture.

Basis: (CAT/C/UKR/CO/7, paras. 9-14, 17-18; A/HRC/37/16. Rec. 116.68, 116. 105=116, 107.

- 2. Conflict-Related Sexual Violence:** Another NEW-CEDAW priority involves conflict-related sexual violence. Ukraine should reference the Security Council Resolution 1325 and the Istanbul Convention of 2022. We believe that its officials should: **a)** amend Article 152 of the Criminal Code by broadening the definition of rape to meet international standards (force, coercion, abuse of power, coercive environment) (CEDAW/C/UKR/CO/9 para. 16); **b)** ensure ex officio prosecution for sexual and domestic violence by amending Article 477 (1) of the Code of Criminal Procedure (CAT/C/UKR/CO/7, para. 38); **c)** establish mobile police units to target domestic violence in all regions; **d)** facilitate access to shelters, mental health services, and reparations by survivors in all conflict-affected territories.

Basis: CEDAW/C/UKR/CO/9, paras. 15-16, 29-30; CAT/C/UKR/CO/7, paras. 37-38; CCPR/C/UKR/CO/8, para. 18:

Backlash: We consider it important that Ukraine plan **now** for how to deal with threats to its democracy when the war finally ends. That is because: **a)** dissatisfaction with the agreement and any surrender of territory will undoubtedly arise; **b)** ultra-nationalist groups, like the Azov Movement in Donbas, will probably accuse “traitors” of causing the nation’s defeat through some form of “stab in the back;” **c)** veterans might wonder whether the war was “really” worth it; long-suffering civilians might wonder who “really” benefited, and parents will remain in despair about kidnapped children and dead relatives. It is worth remembering what took place in the early days of the Weimar Republic. With this in mind, we believe that Ukraine’s government should forward some version of the American “New Deal” to provide jobs for returning soldiers, compensate civilians, forward a plan to repatriate children, provide survivors with healthcare, and introduce an educational program dedicated to building civic democracy.

- 3. External Dangers:** Governments are always tempted to take financial support and investment capital from any actor. But that is how mistakes happen. Ukrainian officials should consider: **a)** the more dependent a nation becomes on an outside ally the greater the potential for compromising its sovereignty; **b)** numerous private foreign AI firms are operating in Ukraine that crucially require oversight; **c)** influential foreign businesses are

using the nation's need for investment as blackmail to get the best deal, whether on minerals or real estate; and **d)** there are reports that between 8-16,000 mercenaries have been hired and integrated into the ranks of the Ukrainian army, which obviously threatens the nation's sovereignty. Ignoring these issues would be irresponsible.

D. Concluding Remarks: We understand that Ukraine is in an untenable situation. It requires new technology and military aid for its defense, foreign investment to rebuild its shattered infrastructure; and a response to war fatigue. New policies are needed to refurbish the nation's democratic institutional arrangement, integrate marginalized groups, sanction the corruption of elites, and clarify conditions for foreign investment. The severity of these threats to the legitimacy of Ukrainian democracy remains unclear. But it would be irresponsible and short-sighted should the existing government choose to ignore them.

Now is the time to begin addressing the price of peace and the costs of future security. Creating bureaucratic and legal hurdles for the enemies of democracy and disarming extremist militias are only first steps. We feel that Ukraine's government must forward an expansive agenda to defend liberal institutions, protect the rights of dissidents and minorities, battle economic hardship and corrosive corruption, and rebuild the nation under the banner of what has been termed "constitutional patriotism."