



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.
GENERAL

CAT/C/SR.765
21 May 2007

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Thirty-eighth session

SUMMARY RECORD OF THE 765th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 8 May 2007, at 10 a.m.

Chairperson: Mr. MAVROMMATIS

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (continued)

Fifth periodic report of Ukraine

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (continued)

Fifth periodic report of Ukraine (CAT/C/81/Add.1; CAT/C/UKR/Q/5, 5/Rev.1
and 5/Rev.1/Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Ukraine took places at the Committee table.
2. The CHAIRPERSON invited the delegation to summarize its written replies (CAT/C/UKR/Q/5/Rev.1/Add.1) to the Committee's list of issues, which had been submitted in Russian only.
3. Mr. TURYSANSKYI (Ukraine), speaking as a representative of the Ombudsman, drew attention to a publication issued by his Office concerning the Committee's concluding observations on Ukraine's fourth periodic report, which would be circulated to Committee members.
4. The CHAIRPERSON expressed concern that the representative of the Ombudsman was a member of the government delegation, which called into question the independence of his Office.
5. Ms. LUTKOVSKA (Ukraine) explained that the Ombudsman's representative and the two advisers to the Commissioner for Human Rights present at the meeting were not part of the government delegation as such; they were fully independent of the Government.
6. She drew attention to a number of important developments in Ukraine since the fifth periodic report had been submitted in 2004. The Government had ratified the Optional Protocol to the Convention and had designated the Commissioner for Human Rights as the national preventive mechanism envisaged under the Protocol.
7. Under recent legislative amendments, prisoners now had the right to correspondence without censorship not only with the Office of the Procurator-General and the Commissioner for Human Rights, but with all international human rights bodies. Mobile standing groups had been established to monitor the observance of human rights in the institutions of the Ministry of the Interior in all provinces. In 2005, a council for the protection of human rights, known as the Social Council, had been established under the Ministry of the Interior, and in 2006, Council branches had been set up in each province. Two thirds of Council members were representatives of human rights organizations.
8. A programme had been initiated in 2006 to refurbish temporary holding facilities and bring them into line with European standards. Legislation was constantly monitored to ensure compliance with the European Convention on Human Rights and the practice of the European Court of Human Rights.

9. Responding to question 1 of the list of issues, she said that under the amended Criminal Code the definition of torture was more specific, and established penalties of 10-15 years' imprisonment for ill-treatment by law enforcement officials.
10. Mr. MARTYNENKO (Ukraine), responding to question 2 on the treatment of prisoners, particularly foreigners, said that recent amendments to the law relating to the police force provided for immediate medical assistance for detainees where necessary and consolidated all the rights enjoyed by detainees from the commencement of detention.
11. Mr. SHYNALSKYI (Ukraine), turning to question 3, said that the Procurator-General's Office carried out inspections to ensure that the relevant legislation on the execution of criminal sentences was enforced and that the rights of detainees were respected in the application of coercive measures. During those inspections, particular attention was paid to the rights of women in correctional institutions. There was constant monitoring of the legality of measures adopted by prison staff, such as solitary confinement. In 2006, the Procurator-General had received 560 complaints relating to ill-treatment of women in places of detention; 6 had been considered justified, and 3 had resulted in the conviction of the officials concerned.
12. Mr. HLIEBOV (Ukraine), responding to question 4 on measures taken to prevent hazing in the armed forces, said that the Criminal Code contained three articles relating to that problem and provided for corresponding sanctions. The practical measures taken to address the problem included the introduction of a system of physically inspecting soldiers to identify bodily harm. The impartial investigation of all complaints received was obligatory. A free confidential hotline had been established for use by all military units, and special facilities were provided from which hotline calls could be made. An Internet site had also been set up on which complaints could be registered, and once the reliability of the information had been checked, the appropriate measures were taken. More than 93 per cent of cases reported were passed on to the courts without delay.
13. In 2004, there had been 123 cases in which the culprits had been ordinary soldiers and in 2005, the number had fallen to 83. Of the 40 cases in 2007, only 2 had resulted in bodily harm, the remainder resulting in psychological harm. There had been no cases of suicide as a result of improper behaviour. In 2004, there had been one death as a result of negligence, and the person responsible had been sentenced. There had been no cases of that kind in 2005, but in 2006 there had been two cases: one in which a drunken major had shot a soldier, for which he had been sentenced to nine years' imprisonment; the other a case of bodily harm leading to the death of an ordinary soldier. Disciplinary measures had been imposed in numerous cases, and soldiers had been dismissed from the army.
14. Mr. MARTYNENKO (Ukraine), responding to question 5 on the specially created commissions which performed careful periodic inspections of official premises to identify objects that could be used in unauthorized methods of inquiry, said that their activities were governed by decisions of a collegiate body subordinate to the Ministry of the Interior. The results of their inspections were sent to the Procurator-General's Office.

15. With regard to career incentives for law enforcement officials, he said that there was a system of medals and promotions for good work and discipline in particularly difficult cases. Measures to punish those found responsible for misconduct included demotion, a reduction in salary of up to 25 per cent and dismissal.

16. Mr. KHANIUKOV (Ukraine), also responding to question 5 on special subdivisions for training officials within the prison system, said that the activities of those units were regulated primarily by the Penal Correction Code. In the period 2005-2007, there had been no actions constituting abuse of authority. Activities by the units were carried out on the basis of plans agreed with the regional Procurator-General offices. Special training sessions had been held in 2001 and 2002 without the involvement of prisoners.

17. Mr. MARTYNENKO (Ukraine), turning to question 6, said that implementation of the law on the prevention of domestic violence, which had entered into force in 2002, was the responsibility of the Ministry of the Interior and regional police. Special training courses were held for police officers on the issue of domestic violence. In 2006, some 85,000 people had received official warnings because of domestic violence.

18. Mr. SHYNALSKYI (Ukraine), replying to question 7, said that, under the Criminal Code, foreigners and stateless persons residing in Ukraine who had committed crimes outside Ukraine could be extradited to foreign States to be brought to justice, provided the extradition complied with the international and bilateral agreements to which Ukraine was a party, and particularly the European Convention on Extradition. Under the Constitution, all decisions by courts or government bodies could be appealed, including extradition decisions, and in 2006 more than 35 appeals relating to extradition decisions had been processed.

19. Ms. LUTKOVSKA (Ukraine), replying to question 8, said that, in line with recent amendments to the law on refugees, non-citizens temporarily and legally resident in Ukraine could apply for asylum, provided they submitted their applications before their residence permit expired. Appealing against an expulsion order before the courts would suspend the expulsion procedure, unless it related to the safety and security of the State.

20. Mr. SHYNALSKYI (Ukraine), referring to question 9, said that the Government had received written information from the Uzbek Procurator's Office that the four Uzbek nationals extradited in 1999 had been offered access to a lawyer during their trial, but had refused assistance and filed no complaints during the trial. With regard to the 11 Uzbek asylum-seekers, while considering their applications, it had come to the attention of the asylum authorities that they had committed very serious crimes and that there were no grounds for believing that they would be persecuted in their own country, so their applications had been rejected. The asylum-seekers had all made statements to the effect that they fully understood the decision and did not wish to make an appeal.

21. Turning to question 10, he said that, in addition to being appealed before the courts, extradition decisions could be referred to the Ombudsman. Persons who had been granted refugee status in Ukraine could not be extradited. Border police could detain and forcibly expel a person only on the basis of a court decision.

22. Mr. SIVERS (Ukraine) said that law enforcement officials who had committed acts of torture were held liable under article 127 of the Criminal Code (question 11). Acts of torture resulting in the victim's death were punishable by 12-15 years' imprisonment or life imprisonment. Attempted acts of torture were punishable by 3-10 years' imprisonment and by 10-15 years if committed by law enforcement officials.
23. Ms. LUTKOVSKA (Ukraine) said that the definition of the crime of torture in article 127 of the Criminal Code contained all the elements stipulated by article 1 of the Convention (question 12). Five criminal cases had been initiated against government employees under article 127 in both 2005 and 2006, and two in 2007. From 2001 to 2006, no military personnel had been convicted of torture. Under article 373 of the Criminal Code, the use of coercion to obtain testimony was punishable by three years' imprisonment. The use of coercion with violence to obtain testimony was punishable by three to eight years.
24. Responding to question 13, she said that Ukrainian citizens, stateless persons and foreigners had equal rights and freedoms under the Constitution.
25. Mr. SHYNALSKYI (Ukraine) said that if Ukraine refused to extradite a person suspected of having committed a crime in another country, criminal proceedings were initiated against that person if he was detained in Ukraine (question 14). The procedure for the transfer of proceedings in criminal matters was set out in the European Convention on the Transfer of Proceedings in Criminal Matters, and also in other international agreements on legal assistance.
26. Mr. BIDNYI (Ukraine) said that extensive training programmes were conducted for forensic doctors and medical personnel dealing with persons deprived of their liberty, asylum-seekers or refugees (question 15). Forensic examinations were carried out by independent experts under the supervision of the Ministry of Health to detect physical and psychological signs of violence.
27. Mr. SHYNALSKYI (Ukraine) said that on 30 May 2001 and 29 January 2002, special training exercises had been conducted in the Zamkovaya Colony with a view to preventing incidents of mass insubordination and hostage-taking. The exercises had been witnessed by a number of government officials, who had personally interviewed the detainees once the exercises had been concluded. None of the detainees had complained to those officials about excessive use of force during the exercises. Two complaints that had later been lodged by Mr. V.V. Ilchenko, a detainee, and Mr. V.G. Zherdev, a human rights defender, alleging the unjustified use of force against them during the exercises, had been examined by the Procurator-General's Office and had been dismissed. No special exercises had been conducted in the Colony since 2005.
28. Mr. MARTYNENKO (Ukraine) said that a special course on democracy and human rights had been incorporated into university curricula. Human rights training was given to police personnel at all levels.
29. Referring to question 16, he said that 10 per cent of the "uniformed police" and 44 per cent of the civilian police were women. Staff under 30 years of age accounted for 44.8 per cent of the police force; staff aged 30-45 accounted for 51.5 per cent; and staff aged 45-50 accounted

for 3.2 per cent. Ethnic Ukrainians accounted for 83.9 per cent and ethnic Russians for 13.8 per cent of police staff. Police staff of Belarusian, Moldovan, Azerbaijani, Bulgarian, Armenian and other origins accounted for 0.1-0.4 per cent.

30. Mr. SHYNALSKYI (Ukraine) said that article 24 of the Code of Criminal Procedure listed the government officials who were authorized to visit places of detention (question 17). Respect for the constitutional rights and freedoms of detainees was ensured by the Commissioner for Human Rights of the Verkhovna Rada and by special monitoring commissions.

31. Ms. LUTKOVSKA (Ukraine) said that the Government was still in the process of establishing an efficient national preventive mechanism and would welcome assistance in that regard.

32. Mr. MARTYNENKO (Ukraine), referring to question 18, said that the Minister of the Interior had issued three decrees which made it obligatory for the authorities, inter alia, to notify the relatives of detainees of their detention, to inform detainees of their rights, and to provide them with medical and legal assistance.

33. Mr. SHYNALSKYI (Ukraine) said that law enforcement agencies ensured that detainees were not being pressured to decline the services of a lawyer (question 19). Free legal aid was provided to indigent persons by members of the law association or by other persons with sufficient legal experience. The Code of Criminal Procedure contained no provisions restricting the duration of interrogation or any requirements for breaks during interrogations.

34. Ms. LUTKOVSKA (Ukraine) said that steps were being taken to improve the provision of free legal aid. The possibility of providing a lawyer free of charge for each new detainee was being considered. In Ukraine, lawyers were, by definition, members of the law association. A lawyer who had been selected to provide free legal aid to a detainee could not refuse to do so.

35. Mr. SHYNALSKYI (Ukraine), referring to question 20, said that details of any injury suffered by a detainee were entered in the official record. The detainee was examined by a doctor to detect possible injuries or diseases and to ensure that he or she could safely be placed in detention. The Procurator-General's Office examined and took appropriate action on complaints lodged by detainees about the use of torture or other violations of their rights.

36. Mr. KHANIUKOV (Ukraine) said that minors were separated from adults in pretrial detention (question 21). In exceptional cases, two adults could be placed with a minor, provided that they were serving their first sentence and had not been sentenced for serious crimes. Special educational and sports activities were organized for minors, and they received professional psychological assistance.

37. Mr. SHYNALSKYI (Ukraine) said that the maximum period of detention of a suspect was 72 hours from the moment of arrest (question 22).

38. Mr. KHANIUKOV (Ukraine) said that the searches in prisons had been carried out in accordance with the law in order to confiscate unauthorized objects (question 24). No complaints concerning those searches had been received from detainees. An inquiry into the incidents referred to had been carried out and there were no grounds for believing that detainees had been beaten or intimidated or that any documents had been confiscated.
39. Ms. LUTKOVSKA (Ukraine) said that in 2006 there had been 376 detected cases of trafficking in persons for the purpose of sexual exploitation, and that 97 persons had been convicted of trafficking in one or more cases (question 25). A comprehensive programme to combat trafficking in persons was being implemented and a hotline for victims of trafficking had been set up.
40. Mr. SHYNALSKYI (Ukraine) said that by law complaints by detainees to the Procurator-General's Office were confidential and had to be sent to the Office by prison staff within 24 hours (question 26).
41. Twice a year, the Procurator-General's Office reported to the State Committee on Statistics on, inter alia, its officials' compliance with the law when implementing court decisions in criminal cases (question 27). The criminal and disciplinary liability of staff of the Procurator-General's Office was provided for by law. The Government planned to reform the system of administration of justice in general, and the Procurator-General's Office in particular.
42. Mr. MARTYNENKO (Ukraine) said that the Procurator-General's Office and the Ministry of the Interior could provide data on complaints and investigations relating to alleged abuses in detention centres (question 28). However, to date no unified system for collecting such data had been established.
43. Ms. LUTKOVSKA (Ukraine), referring to the same question, said that complaints about abuses could be submitted at any time and must be sent by the detention facility staff to the addressee within 24 hours.
44. There were no provisions preventing members of the armed forces from filing confidential complaints with the Commissioner for Human Rights (question 29).
45. Mr. SHYNALSKYI (Ukraine) said that persons who had been unlawfully detained, convicted or searched were entitled to compensation (question 30). With regard to the 1,400 complaints that had not resulted in criminal convictions, he said that many of them could have been unfounded.
46. Ms. LUTKOVSKA (Ukraine) said that testimony which had been obtained as a result of torture could not be used and that court sentences based on such testimony must be reviewed (question 31).
47. Mr. MARTYNENKO (Ukraine) said that 80 per cent of temporary detention facilities met the minimum standards for the treatment of persons deprived of liberty (question 32).

48. Mr. KHANIUKOV (Ukraine) said that a number of programmes were being implemented to prevent the spread of HIV/AIDS and provide assistance to persons living with HIV/AIDS. A tuberculosis prevention programme had been drawn up for the period 2007-2011. Those programmes were designed for the general public as well as persons deprived of their liberty.

49. Ms. LUTKOVSKA (Ukraine), commenting on conditions of detention in temporary holding facilities (question 32), said that personal searches were always conducted by staff members of the same sex as the detainee, and that all personal belongings were safely stored and returned to detainees upon their release.

50. Mr. KHANIUKOV (Ukraine) described measures taken to improve conditions for prisoners serving life sentences. He explained that, under existing legislation, prisoners were allowed eight hours of sleep with appropriately dimmed lighting. Under the code of prison procedures, every effort was made to provide the necessary means of protection, work opportunities, security and sanitary facilities. Entertainment, exercise and leisure activities were also available, full respect was accorded to religious affiliations and family visits were allowed. In addition, some prison staff were competent to provide psychological support as required. The reorganization of the life sentence regime aimed, as a matter of priority, at ensuring a balanced lifestyle for prisoners.

51. Ms. LUTKOVSKA (Ukraine) said that the authorities had not considered the possibility of the existence of equipment that could be used to inflict torture (question 37), and therefore it had not been deemed necessary to enact legislation in that regard. All domestic laws in Ukraine were compatible with its obligations under international agreements and contained the necessary human rights safeguards, based on the concept of the sanctity of life.

52. Ms. GAER, Country Rapporteur, said that, given the number of changes in Ukraine since the previous periodic reports, the Committee was eager to probe ways in which the Convention could be more effectively implemented. She was delighted that Ukraine had ratified the Optional Protocol to the Convention, and welcomed the detailed information provided in the report, particularly on the situation with regard to trafficking. She had nevertheless noted that the Government had seemed somewhat dissatisfied with the conclusions reached by the Committee when Ukraine had submitted its previous report; she reassured the delegation of the Committee's willingness to cooperate with States parties in identifying solutions.

53. With reference to the new Criminal Code and its relevance to article 1 of the Convention, she said several items were apparently missing from the scope of the new law. For instance, it seemed to refer only to violent acts and not to psychological torture, and its application appeared limited to law enforcement officials and not to apply to other State agents. One of the purposes of the definition of torture in article 1 was to eliminate its use as a means of discrimination, whereas under Ukrainian law it was limited to the gathering of information or punishment. Similarly, deliberate inaction, acquiescence or consent on the part of police authorities was absent from the definition. She therefore asked the delegation to comment on how the definition of torture in the new legislation met the conditions of article 1 of the Convention, which required all elements of the definition of torture to be incorporated.

54. As to the rights of foreigners (art. 2), she said that paragraph 12 of the written replies mentioned that foreigners had access to counsel, except as otherwise provided for by the Constitution itself, other laws or international treaties to which Ukraine was a party. She wondered whether extradition treaties had been concluded with Uzbekistan or other former Soviet republics which would deny foreigners legal counsel.

55. Article 43 of the Code of Criminal Procedure upheld the right of a detainee to the assistance of a lawyer from the moment of detention, but she asked the delegation to specify whether the term “moment of detention” was construed as running from the time when a suspect was apprehended, when he was taken to a custodial facility or when charges were laid against him. The issue was of particular relevance to the recommendation made by the European Committee for the Prevention of Torture, to the effect that “detention” should be considered as commencing at the moment of apprehension, at which point the free movement of the individual concerned was initially restricted. Moreover, it had been brought to the attention of the Committee that the application of the constitutional provision whereby a court order was required for the deprivation of a person’s liberty was often disregarded. In fact, detention on the basis of a court order was often the exception. She stressed that the period of “unrecognized detention” or “pre-detention” was the time which gave rise to most claims of abuse by detainees. As a preventive measure, therefore, it was important to ensure that access to legal aid, an independent medical examination and family members was promptly provided.

56. She noted that there was an exception by means of which the authorities could extend the detention period to 10 days. Could the delegation provide data on the number of cases and circumstances in which such exceptions were actually granted? Detainees in Ukraine were supposed to be brought to court within 72 hours or else released, but she understood that judges did not require law enforcement officials to provide proof that detainees could have appeared within a shorter period of time. Moreover, the Committee had received reliable reports that there had been no cases in which a detainee had been brought before a judge within a day of being apprehended. She therefore asked what was the usual time lag before detainees were brought before a judge.

57. Given the current uncertainty surrounding the operation of the Ukrainian parliament, she was curious to know the status of action to amend the Code of Criminal Procedure, and what the timetable for such amendment would have been under normal circumstances. There was some concern that the amendments made would broaden the grounds on which persons might be detained. Furthermore, she wished to know how often and for how long judges generally postponed hearings, and why persons whose detention had been extended were kept in pretrial detention centres rather than prison cells.

58. On the question of women and sexual violence, she noted that 506 complaints had been made, but only 6 had been acknowledged as substantiated, official charges had been brought in only 3 cases, and, according to the replies, there had been no cases of sexual harassment. The credibility of such results was questionable, and so she asked the delegation to explain whether the measures in force for handling complaints were adequate to uncover abuse.

59. She welcomed the fact that the incidence of hazing in the armed forces had declined, although the overall number of complaints remained high. She was interested in knowing how the Government classified criminal acts, deaths and acts of hazing within the armed forces in

order to determine the absence of torture, and whether superiors could be held responsible for the abuse of subordinates. In the case of suicides prompted by abuse of authority, she asked for further details of the 73 such cases in 2006. What forms of violence had been involved in those cases and why had none of them come to trial? She commended the Government for the establishment of a website and hotline for victims of abuse and degrading treatment. She was also interested in knowing how many complaints had been lodged and the success rate in dealing with them.

60. With reference to paragraph 31 of the periodic report, which stated that unit chiefs were obliged to perform inspections of official premises in order to identify objects that could be used in unauthorized methods of inquiry, she asked whether the chiefs visited such premises in person and how many objects had been unearthed in the process. She wondered whether any individuals had been prosecuted or disciplined as a result of such visits.

61. Ukraine was eager to establish national mechanisms and to seek advice under the Optional Protocol to the Convention, but NGOs had raised a number of concerns relating to overcrowding, ill-treatment of prisoners and the planned use of special units to suppress prison riots. She asked the delegation to comment on the decision to establish riot squads, and to clarify whether they were routinely used and what role they played vis-à-vis terrorism.

62. She expressed further concern at the failure of the police to take action on cases of domestic violence and procedures relating to the forced return of unsuccessful asylum-seekers. She asked the delegation to comment on the possibility of reopening cases, especially since there had been reports of gross mistreatment of expelled persons in their countries of origin, allegations of secrecy and lack of transparency in expulsion and extradition processes, and poor follow-up on the fate of returned persons. She also asked for clarification of the system used to screen asylum-seekers on Ukraine's eastern border, and the circumstances in which a person facing extradition would be able to present a case for asylum in court.

63. Turning to questions 11 and 12, she said that more statistics should be gathered on the types of complaints of abusive treatment made against State agents and on any punishment of those individuals. The Committee had information according to which, for example, a police officer who had been convicted of abusive treatment had been sentenced to penalties that amounted to less than the minimum sentence for the various crimes of which he had been found guilty, and he had in fact been released on parole. Furthermore, in a case that had been heard by the European Court of Human Rights, the guilty officer, according to the Committee's information, was still working as a policeman, while the State party conducted a further investigation. She enquired why further investigation had been deemed necessary in a case already decided by that Court and whether the State party believed that the penalties imposed in such cases were in keeping with the requirement under article 4 of the Convention that punishments for torture must be appropriate to the severity of the crime.

64. Finally, with regard to question 13, she asked whether, in the case of a foreign citizen present in its territory and accused of torture in another country, the Ukrainian authorities had ever chosen to prosecute such an individual in its domestic courts rather than extradite him.

65. Mr. KOVALEV, Alternate Country Rapporteur, said the State party was clearly making progress in its efforts to strengthen human rights protections; he welcomed in particular the inclusion of human rights in the educational curricula at all levels. He would, however, like to have more information, on the training given to law enforcement officials and military and medical personnel in the provisions of the Convention, on the training given to crowd-control and riot police with a view to encouraging action other than brute force, and on how those responsible for providing human rights training were themselves trained and by whom. He also enquired if medical personnel were familiar with the Istanbul Protocol.

66. Turning to article 11 of the Convention, he requested further information on mechanisms for monitoring conditions of detention, in particular the role, authority and membership of the monitors' councils. He expressed concern that, according to information provided by NGOs, each detainee had an average of only 2.5 square metres of space, which was well below the European norm. Furthermore, a detainee who filed a complaint was subject to administrative punishment and was often intimidated by special units into withdrawing his complaint, and therefore no one complained. More information would also be welcome on the work of the citizens' human rights monitoring mechanism subordinate to the Ministry of the Interior, in particular how it functioned and how many Ministry staff had been punished for human rights violations.

67. With regard to article 12 of the Convention, he stressed the importance of ensuring that all allegations of torture were investigated and that detainees had access to legal counsel from the moment they were detained. He recognized that there was a shortage of lawyers in some regions and asked whether there were bar associations with which the Government could negotiate the provision of legal services for detainees.

68. He expressed concern that, although more than 1,400 complaints had been lodged by detainees (question 30), there had been no convictions and therefore no compensation provided to victims. The delegation should indicate who was responsible for investigating such complaints and what was the current status of any investigations. The Committee had also received reports of confessions and testimony obtained through torture and he requested information on whether such allegations were investigated and on cases where a confession or testimony had been rejected because it had been obtained under duress.

69. On article 16, he asked the delegation to provide more information on the situation with regard to human trafficking, in particular trafficking involving the sexual exploitation of women, and on the number of cases investigated. He enquired whether the State party had investigated reports of the use of highly derogatory and inflammatory language referring to the Roma in a newspaper article in western Ukraine. Finally, he requested more information on the situation of the immigrants from various countries returned to Ukraine by Hungarian border guards, as permitted under the agreement between Ukraine and Hungary on readmission of immigrants, and asked whether the State party had similar agreements with any other countries.

70. Mr. GALLEGOS CHIRIBOGA acknowledged the State party's efforts to strengthen the legal framework for the protection of human rights but said that it was also necessary to change society itself and encourage the development of a culture of human rights. In that context, he stressed the importance of addressing the problem of impunity by ensuring that human rights violations and abuses were thoroughly investigated and the perpetrators appropriately punished.

The State party had a responsibility to engage with civil-society organizations and the international community, including through bodies such as the Committee, to protect and promote human rights.

71. Mr. GROSSMAN said that the State party had an obligation to continue to perfect its human rights machinery, in particular with regard to the prohibition of torture. Incorporation of the crime of torture into the Criminal Code was essential and would provide the basis for the prosecution of such crimes and the elimination of impunity, facilitate the gathering of statistics, ensure the guilty were punished and guarantee victims the right to compensation. He stressed, however, that independent mechanisms must be established to investigate allegations of torture by agents of the State in order to avoid the whitewashing of such crimes.

72. Ms. BELMIR said she was concerned about the lack of judicial review of complaints of torture, given that the Procurator-General had the authority to decide not to follow up a complaint of torture or ill-treatment; such cases were therefore never heard by a court. She also wondered how effective the Ombudsman could be in following up complaints, especially when few complaints reached his Office.

73. Mr. MARINÑO MENÉNDEZ asked whether the police and armed forces received training in appropriate questioning techniques and whether foreign detainees were informed of their right to contact their consulate or embassy. He welcomed the State party's ratification of international human rights instruments but wondered whether it complied with the provisions of the Council of Europe's Framework Convention for the Protection of National Minorities in its dealings with Roma.

74. He asked whether the State party intended to sign the International Convention for the Protection of All Persons from Enforced Disappearance (given that enforced disappearance could be considered a form of torture), and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. He requested clarification of the State party's immigration policy, particularly vis-à-vis countries that represented an immigration risk and any agreements with European countries on the return of migrants. Finally, he enquired whether the State party requested guarantees of diplomatic protection for deported or extradited individuals.

75. Ms. SVEAASS noted that NGOs were very active in the State party and asked whether the Government had enlisted their aid in providing legal counsel for detainees and assisting asylum-seekers. She would welcome more information on the role of medical certificates in the asylum process and on observance of the recommendations of the Istanbul Protocol, and also on any programmes, including collaborative ventures with international bodies, aimed at rehabilitating the victims of torture, many of whom were refugees.

76. With regard to the award of compensation to torture victims, she said that the Committee had received reports that there had been at least some cases where members of the law enforcement agencies or armed forces had been prosecuted and found guilty. She therefore wondered if, in those cases at least, victims had been awarded compensation. Finally, she noted the State party's efforts to promote diversity in the police force, but wondered whether those efforts covered the Roma.

The meeting rose at 1 p.m.