

# DECREE OF THE PRESIDENT OF UKRAINE N°119/2021

## **On the National Strategy for Human Rights**

In order to further improving the activities for the establishment and protection of human rights and freedoms in Ukraine, in accordance with Article 102 of the Constitution of Ukraine:

1. To approve the national strategy on human rights.

2. To Cabinet of Ministers of Ukraine:

1) within 3 months to develop and approve an Action Plan for the implementation of the National Strategy for Human Rights for 2021 - 2023 involving of representatives of public authorities, local governments, CSOs, leading national scientists and international experts, and thereafter every three years to approve appropriate action plans;

2) to provide annually:

- informing the President of Ukraine on the situation of implementation of the Action Plan for the implementation of the National Strategy for Human Rights by the results of the first half of the year - by July 20 of the current year and by the results of the year - by February 20 of the next year;
- holding a public discussions of the results of the implementation of the National Strategy for Human Rights for the previous year and implementation of the Action Plan for its implementation with the participation of representatives of public authorities, local governments, the Verkhovna Rada Commissioner for Human Rights, CSOs, research institutions, international organizations and other stakeholders by April 1.

[...]

APPROVED

By Decree of the President of Ukraine  
of March 24, 2021 N° 119/2021

## **NATIONAL STRATEGY FOR HUMAN RIGHTS**

### **1. The general part**

Approval of the National Strategy for Human Rights (hereinafter - the Strategy) is due to the need to improve the activities of the state to promote and ensure human rights and freedoms, develop effective mechanisms for their fulfillment and protection, and solve systemic problems in this area.

The events of the Revolution of Dignity (November 2013 - February 2014) testified to the irreversible desire of the Ukrainian people to build a legal and democratic state in which human rights and freedoms are guaranteed and ensured.

In the conditions of armed aggression of the Russian Federation against Ukraine, temporary occupation by the Russian Federation of part of territories in Donetsk and Luhansk regions, territory of the Autonomous Republic of Crimea and Sevastopol (hereinafter - temporary occupation of part of Ukraine) the problem of protection of human rights and freedoms is especially acute.

Along with the priorities of strengthening national security, overcoming the economic and environmental crisis, reforming public administration to ensure human rights and freedoms remain key state's obligation and should determine the content and direction of the state in all its efforts. In crisis situations, the risks of disproportionate restrictions of human rights and freedoms increase, which requires special control by society.

The Strategy aims to unite society in understanding the values of human rights and freedoms, which are ensured and protected on the basis of the principles of equality and non-discrimination.

The Strategy focuses on solving the main systemic problems to ensure, fulfill and protect human rights and freedoms in the context of new challenges facing society.

Improving the system of ensuring and protecting human rights and freedoms will be carried out taking into account both domestic experience and the principles and approaches developed and tested by the international community. In this regard, the experience of the Verkhovna Rada Commissioner for Human Rights, the European Union, the United Nations (hereinafter - the UN), the Council of Europe, the Organization for Security and Cooperation in Europe, and other international organizations, the case law of the European Court of Human Rights (hereinafter - the European Court), the experience of human rights organizations in Ukraine will be taken into account and used actively.

In cooperation with other states, Ukraine applies an approach based on human rights and freedoms, develops multilateral relations, taking into account international obligations in this area.

## **2. Purpose and results of the Strategy's implementation**

The purpose of the Strategy is to ensure the priority of human rights and freedoms as a determining factor of public policy, the exercise of powers by public authorities and local governments, and business operations.

The implementation of the Strategy should result in the introduction of a systematic approach to ensuring human rights and freedoms, coordination of actions of public authorities, local governments, CSOs, business entities, creating an effective mechanism to fulfill and protect human rights and freedoms.

The effective implementation of the Strategy will contribute, in particular, to progress in the implementation of international human rights treaties by Ukraine, including the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other, and the implementation of the Sustainable Development Goals 2030, as well as improving Ukraine's position in international human rights rankings.

### **3. Principles of Strategy**

The Strategy is based on the following principles:

rule of law, legality and justice;

equality and non-discrimination in ensuring human rights and freedoms;

objectivity and validity of identifying problems in the field of human rights, assessing their scale, finding optimal solutions;

specificity, achievability of goals and measurability of expected results of the Strategy's implementation;

openness of the process of the Strategy's implementation;

inclusiveness and broad involvement of all stakeholders in monitoring and evaluation of the progress of the the Strategy's implementation;

ensuring a timely response to new human rights challenges.

### **4. Strategic directions**

The Strategy is implemented in the following strategic areas:

*§ 1. Ensuring the right to life*

[...]

*§ 2. Preventing and combating torture, cruel, inhuman or degrading treatment or punishment*

[...]

*§ 3. Ensuring the right to liberty and security*

[...]

*§ 4. Ensuring the right to a fair trial*

[...]

*§ 5. Ensuring freedom of thought and speech, expression and belief, access to information*

[...]

§ 6. *Ensuring the right to privacy*

[...]

§ 7. *Ensuring freedom of peaceful assembly and association, the right to participate in the management of state affairs*

[...]

§ 8. *Preventing and Combating Discrimination*

[...]

§ 9. *Ensuring equal rights and opportunities for women and men*

[...]

§ 10. *Preventing and combating gender-based violence, exploitation, trafficking*

[...]

§ 11. *Preventing and combating domestic violence*

[...]

§ 12. *Ensuring the rights of indigenous peoples and national minorities*

[...]

§ 13. *Ensuring the right to work and social protection*

[...]

§ 14. *Ensuring the human right to health*

[...]

§ 15. *Ensuring environmental rights*

[...]

§ 16. *Ensuring corporate responsibility to respect human rights*

***Strategic goals:***

- business entities should apply a human rights approach in conducting business activities;
- access to effective remedies should be guaranteed to victims of human rights violations related to business operations.

***The problem to be solved by this strategic direction is following:***

the facts of human rights abuses by business entities (including in the field of labor relations, personal data protection, consumer protection, environmental protection, etc.).

***Tasks aimed at achieving the goal are following:***

- to implement the UN Guiding Principles on Business and Human Rights, Recommendation Rec (2016) 3 of the Committee of Ministers of the Council of Europe;

- to strengthen the capacity of public authorities and local governments to implement the UN Guiding Principles on Business and Human Rights, Recommendation Rec (2016) 3 of the Committee of Ministers of the Council of Europe;
- to raise awareness of business entities and their associations, trade unions and other CSOs on the UNGPs;
- to promote the updating of corporate policies (in particular on labor relations, environmental protection, corporate social responsibility, personal data protection, consumer protection, anticorruption, combating human trafficking, etc.) to ensure their compliance with the UNGPs and other international human rights instruments;
- to provide access to judicial and non-judicial remedies to protect human rights from violations related to business activities.

***Expected results are following:***

- Compliance of the Ukrainian legislation and the state policy with the standards of human rights protection from violations caused by business entities is ensured;
- business entities have implemented human rights policies;
- access to judicial and non-judicial remedies to protect human rights from violations caused by business is provided.

***Key indicators are following:***

- number of businesses that have updated corporate policies to meet human rights standards;
- number of complaints to the authorized state authorities regarding human rights violations by business entities;
- level of awareness of business entities and their associations, trade unions, other CSOs on the UN Guiding Principles on Business and Human Rights;
- number of employers registered in the Social Protection Fund for Persons with Disabilities;
- number of employers who implement the standard of jobs for the employment of persons with disabilities;
- number of employers who have paid administrative and other sanctions for failure to comply with the standard of employment of persons with disabilities;
- number of buses used on public transport routes adapted for persons with disabilities, primarily those who use wheelchairs.

*§ 17. Ensuring the right to education*

[...]

*§ 18. Ensuring child rights*

[...]

*§ 19. Ensuring the rights of foreigners and stateless persons legally staying in Ukraine, as well as refugees and persons in need of additional or temporary protection*

[...]

*§ 20. Ensuring the rights of war veterans, in particular persons who have taken or are participating in the implementation of measures to ensure national security and defense, repulse and deter armed aggression of the Russian Federation in Donetsk and Lugansk regions*

[...]

*§ 21. Ensuring the rights of internally displaced persons*

[...]

*§ 22. Ensuring and protecting the rights of persons residing in the temporarily occupied territory of Ukraine*

[...]

*§23. Ensuring and protecting the rights of persons living in settlements in the immediate vicinity of the demarcation line*

[...]

*§ 24. Release of persons deprived of liberty as a result of the armed aggression of the Russian Federation against Ukraine, temporary occupation of part of the territory of Ukraine, and restoration of the rights of such persons*

[...]

*§ 25. Ensuring the rights of persons missing in special circumstances and members of their families*

[...]

*§ 26. Overcoming the negative effects of armed conflict caused by the military aggression of the Russian Federation*

[...]

*§ 27. Raising awareness on human rights*

[...]

## **5. Implementation and evaluation of the progress of the Strategy implementation**

The implementation of the Strategy is ensured by joint actions of state authorities, local governments, CSOs, the Verkhovna Rada Commissioner for Human Rights with the support of the UN, the Council of Europe, the Organization for Security and Cooperation in Europe, the European Union and other international organizations.

To assess the progress of the Strategy, the Cabinet of Ministers of Ukraine establishes an interdepartmental working group to assess the progress of the National Strategy for Human Rights (hereinafter - the interdepartmental working group), which includes

representatives of central and local executive bodies, as well as representatives of other state bodies, institutions and organizations, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, people's deputies of Ukraine, representatives of CSOs, academic institutions and international organizations in Ukraine.

The interdepartmental working group analyzes the situation and the causes of human rights problems, assesses the progress of the Strategy implementation, prepares proposals and recommendations for taking urgent measures to ensure the effective implementation of the Strategy.

If necessary, the interdepartmental working group may determine the methodology for assessing the progress of the Strategy implementation and the list of additional indicators on which such assessment will be carried out.

To assess the progress of the Strategy implementation, administrative data, statistical information, results of sociological surveys, public opinion polls, monitoring of observance of human rights and freedoms carried out by state authorities, local governments, the Verkhovna Rada Commissioner for Human Rights could be taken into account.

The interdepartmental working group prepares and publishes an analytical report on the implementation of the Strategy for the previous year by March 20 each year.