

Secretariat of Ukrainian Parliament Commissioner for Human Rights

During the days of the Forum several speakers questioned direct enforceability of the Declaration and its non-binding nature. As a general note, I would like to remark that the Declaration can and should be implemented not only directly but also indirectly. The direct way encompasses immediate application of the Declaration's provisions and policy drafting and realisation. And it is in this way that it becomes problematized with the non-binding nature of the Declaration itself. The indirect way, however, manifests itself through setting-up of such institutional arrangements, invoke process and priorities that meet the Declaration's standards and further its goals. I would like to exemplify by a short account of the work done by the Ukrainian Parliament Commissioner for Human Rights, the actuary that I represent.

According to Article 10 of the recently adopted law of Ukraine on Fundamentals of Preventing and Combating Discrimination in Ukraine, the Commissioner has been designated as the main anti-discrimination body of national level. From the incipient of the law the Commissioner has taken an active part in its drafting providing the government with expertise on strengthening the mechanism for its practical application, namely restitution of the rights violated due to discrimination, fear and compensation to the victims, endue a proportion of penalties for perpetrators. The work on improving the law continues as currently the ministry of justice of Ukraine, together with the Commissioner, are working on a bill that will not only introduce a number of drastic changes to the said anti-discrimination law in force, and accordance with international and European standards, but will also detail the norms establishing a positive obligation of the state to implement positive or affirmative actions and reasonable accommodation for the minority communities that require them.

This proactive legislative activity of the Commissioner goes well inline with the Declaration and the Forum's recommendations concerning the level of protection that should be accorded to national or ethnic religious and linguistic minorities and the roles of [...] this field. Further, unequivocally supporting the values of non-discrimination on the grounds of ethnic origin, creed and language enshrined in the Declaration. The Commissioner has been actively engaged in promoting them. First and foremost through organising and delivering trainings on practical provisions of the anti-discrimination law to members of the national government authorities, judiciary, and representatives of local governments. Such trainings have been prepared for the ministry of justice, ministry of social policy, ministry of culture, ministry of education and science, ministry healthcare and state judicial administration.

And it is in the course of this training that the Declaration and the principles contain therein get brought up and popularised. Also, the Commissioner is currently working towards setting up an anti-discrimination educational program that will be delivered on a regulate basis. Thank you for your attention.