

**ANALYSIS OF MEASURES TO IMPLEMENT THE RECOMMENDATIONS OF THE  
UNITED NATIONS HUMAN RIGHTS TREATY BODIES TO UKRAINE**

This analysis is a publication of the Eurasian Harm Reduction Association (EHRA). EHRA is a non-profit, membership-based public organization that unites and supports more than 300 harm reduction activists and organizations in Central and Eastern Europe and Central Asia (CEECA) to ensure the rights and freedoms, health and well-being of people who use psychoactive substances. More information is available at: <https://harmreductioneurasia.org>.

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### **Disclaimer**

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## SECTION 1. INTRODUCTION

International human rights law lays down obligations which states are bound to respect. By becoming parties to international treaties, states assume obligations and duties under international human rights law to protect and fulfil human rights.

Each of the treaties contains specific provisions that define what a country must do to be legally bound by that treaty. Initially, a country might demonstrate consent or political will by signing a treaty. In order for a state to become legally bound by the treaty, however, the signature has to be followed by a formal act of ratification, acceptance, approval or accession. Once a country is legally bound by the terms of a particular treaty it agrees to be monitored by the committee overseeing that treaty. This gives the treaty body or committee legal authority to monitor a country's performance of its treaty-related obligations.

The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. All treaty bodies, with the exception of the Subcommittee on Prevention of Torture, are mandated to receive and consider reports submitted periodically by State parties detailing how they are applying the treaty provisions nationally.

Most treaty bodies may also consider complaints or communications from individuals who claim that their rights have been violated by a State party, provided that the State has opted into this procedure. Some treaty bodies may also conduct inquiries and consider inter-State complaints.

All treaty bodies have developed the practice of inviting State parties to send a delegation to attend the session at which the committee will consider their report. It allows State parties to respond to members' questions and provide additional information on their efforts to implement the provisions of the relevant treaty. The examination of a report culminates in the adoption of "Concluding Observations," the observations and recommendations issued by a treaty body after consideration of the State party's report, and intended to give the reporting State practical advice on further steps to implement the rights contained in the treaty.

The criminalization of people who use drugs leads to systematic and widespread violations of virtually all human rights guaranteed in national constitutions and international human rights treaties. Documenting these violations can serve to inform human rights treaty bodies of violations that fall within their mandate. The human rights treaty bodies make drug policy recommendations for EECA countries. These recommendations are the result of human rights-related documentation and subsequent submission of documented reports to the UN human rights treaty bodies by civil society groups with the direct involvement of people who use drugs.

National Human Rights Institutions and non-state actors, such as civil society organizations, can also submit reports. These reports are often referred to as ‘shadow reports’ and can be prepared by individual organizations or jointly by an alliance of organizations. The purpose of such reports is to give civil society actors the opportunity to provide additional perspectives, issues or information that they believe have been omitted from the State party’s report.

In the period from July to October 2023, the national consultant analyzed the implementation of the recommendations of the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) to Ukraine.

To conduct the analysis, the consultant used open-source data, laws and regulations as well as information obtained from:

- Representatives of non-governmental organizations that submitted shadow reports (interviews were conducted with the organizations *CO VOLNA* and *NGO Club Eney*),
- Representatives of NGOs that have not submitted joint shadow reports but are working on similar issues (interviews were conducted with the organizations *CF Convictus Ukraine* and *CO Positive Women*).

In order to obtain additional information, requests regarding the implementation of the recommendations of the UN human rights treaty bodies to Ukraine were sent to the following government agencies and departments:

- Ministry of Health of Ukraine with a copy to the state institution *Public Health Centre of the Ministry of Health of Ukraine* (in accordance with the objectives of the Regulation on the Ministry of Health of Ukraine),
- Ministry of Internal Affairs of Ukraine (in accordance with the objectives of the Regulation on the Ministry of Internal Affairs of Ukraine),

- Ministry of Social Policy of Ukraine (in accordance with the objectives of the Regulations on the Ministry of Social Policy of Ukraine),
- Ministry of Justice of Ukraine (in accordance with the objectives of the Regulations on the Ministry of Justice of Ukraine) – no response received.

Requests were made by two organizations:

- Public Organization *Club “Eney,”*
- Charity organization *Charity Fund All-Ukrainian Association of People with Drug Addiction (VOLNa)*.<sup>1</sup>

## **PART 2. RECOMMENDATIONS OF THE UN HUMAN RIGHTS TREATY BODIES FOR UKRAINE**

Based on the results of the review of the periodic reports in the last two cycles, Ukraine received from the UN Committee on Economic, Social and Cultural Rights (CESCR) Concluding Observations on the sixth periodic report of Ukraine (adopted by the Committee at the 40th session on May 23, 2014) on the adoption of a human rights-based approach to drug-related problems:

*(a) Conducting awareness-raising programmes about the serious health risks associated with drug use;*

*(b) Addressing discrimination against drug dependent persons;*

*(c) Providing appropriate health care, psychological support services and rehabilitation to such persons, including effective drug dependence treatment such as opioid substitution therapy;*

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<sup>1</sup> *VOLNa* is a vigorous, community-led national advocacy organization in the area of state drug policy (website: <https://volna.in.ua>). For more than two decades, the non-governmental organization *Club “Eney”* (website: <https://clubeney.org.ua>) has been implementing community-led harm reduction initiatives in Ukraine. The organization has also been advocating for seven years to improve access to medical and social services for women who use drugs. Both groups have been involved in dialogue with human rights treaty bodies and have been instrumental in obtaining recommendations for Ukraine. It was therefore important to involve these local organizations in official appeals to the relevant Ukrainian ministries. To organize this process, meetings were held to discuss the background of the existing recommendations and the measures that can be taken to influence the government to implement them.

*(d) Allocating financial resources for the proper operation of opioid substitution therapy (OST) and harm reduction programmes, and increasing their coverage, as well as ensuring better access to such programmes in prisons.<sup>2</sup>*

In 2020, Ukraine received Concluding Observations on the seventh periodic report of Ukraine from the UN Committee on Economic, Social and Cultural Rights (CESCR) (adopted by the Committee at its 30th session on March 6, 2020):

*43. The Committee recommends that the State party apply a coherent human rights-based approach to people who use drugs and consider decriminalizing drug possession for personal consumption. The Committee also encourages the State party to continue its efforts to expand harm reduction programmes, particularly in prisons, and ensure the quality and adequacy of the privatized opioid substitution therapy programmes. The State party should also take the necessary measures to combat social stigma against people who use drugs by training the police, social workers, child protection officers and medical professionals and raising awareness among the public, especially about people's who use drugs right to health.<sup>3</sup>*

In 2022, Ukraine received Concluding Observations on the ninth periodic report of Ukraine from the UN Committee on the Elimination of Discrimination against Women (CEDAW) (adopted by the Committee at the 83rd session on October 10–28, 2022):

*30. (e) Ensure that all women and girl victims of gender-based violence in the State party have access to adequate shelters, legal assistance, free of charge, if necessary, health care, especially mental health services, including... women who use drugs.*

*40. (a) Reduce unemployment among women, including through targeted measures... with an emphasis on unemployed... women who use drugs.*

<sup>2</sup> Committee on Economic, Social and Cultural Rights. Concluding Observations on the sixth periodic report of Ukraine (adopted by the Committee at the 40th session on May 23, 2014). Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuWxT7OYZyYjJGL8qwRLmzDL8tc2STIEn3t8KwBM0jpDvbVM%2BzIo6xCBUMU4OgfAJWTZTHXUCy5ZJQqtbDmr9XTsIOfshkr9IYHy%2BIA9pSLIew>

<sup>3</sup> Committee on Economic, Social and Cultural Rights. Concluding Observations on the sixth periodic report of Ukraine (adopted by the Committee at the 30th session on March 6, 2020). Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuWxT7OYZyYjJGL8qwRLmzDL%2FvGZyEn3i0uiQ8QMBJeVxr4Jaon5%2FgI7IPnOTr2gopfl3jrLZXaYp9bJQEOGGa9vo56YHJo%2BRUVpQf%2Fq%2BJp0Gh>

46. (c) *Provide support to mothers... who use drugs and refrain from automatically depriving them of custody of their children.*<sup>4</sup>

## PART 3. FEEDBACK FROM CIVIL SOCIETY

After receiving the recommendations of the CESCRC in 2014 and 2020, *VOLNA* initially carried out the work independently. In August 2022, the organization became part of the *DRUGPOLICY.UA* consortium, which pooled the resources of many civil society organizations. The consortium united the following organizations: *VOLNA*, *MIST*, *ENPUD*, *CO VONA*, *EHRA*, *NGO Road of Life Dnipro*, *CF Nadiya i Dovira*, *Center for Harmonization of Human Rights*, *CO VOLNA-PIVDEN*, *NGO VILNA*, *NGO VOLNA-ZAKHID*, *Initiative Group Feniks*, *NGO VOLNA-Donbas*, *CO Eastern Resource Center of the All-Ukrainian Association of People with Drug Dependency “Meridian.”* Intending to implement the recommendations of the CESCRC and facilitate the adoption of the new State Strategy on Drug Policy for the period up to 2030, in which most areas of work are to be taken over by social and medical institutions and services as well as public organizations, and the focus of the law enforcement authorities’ work is to be shifted to combating wholesale drug trafficking,<sup>5</sup> *VOLNA* and the consortium partners have carried out the following activities:

- Addressing issues of access to treatment and criminalization of people who use drugs (poor quality of OAT medications in OAT programmes, the need to establish a working group on issues of decriminalization of people who use drugs) at a meeting of the National Council of Ukraine on Tuberculosis and HIV/AIDS.<sup>6, 7</sup>

<sup>4</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW). Concluding Observations on the ninth periodic report of Ukraine (adopted by the Committee at the 83rd session on October 10–28, 2022). Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsvglKm%2F71Q4iogAZSMgJYVsfA92MTYctWHEE11uSPzKnKpWwt7TOxV5J8ClgoK%2BClqJPqBxMVCVqFR%2BSTZ1rHskXxYGFUsmX2WfG%2Bef3Lx0>

<sup>5</sup> Information about the consortium *DRUGPOLICY.UA* is available at:

<https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/vidkrite-zvernennya-organizacij-gromadyanskogo-suspilstva-pro-stvorennja-konsorciumu-%C2%ABdrugpolicy.ua%C2%BB.html>

<sup>6</sup> <https://www.volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/zas%D1%96dannya-nacz%D1%96onalno%D1%97-radi-z-pitan-protid%D1%96%D1%97-v%D1%96l-%D1%96nfekcz%D1%96%D1%97/sn%D1%96du-ta-tuberkulozu-v-ukra%D1%97n%D1%96.html>

<sup>7</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/zas%D1%96dannya-nacz%D1%96onalno%D1%97-radi-z-pitan-protid%D1%96%D1%97-tuberkulozu-ta-v%D1%96l-%D1%96nfekcz%D1%96%D1%97.html>



- Organizing thematic flash mobs and advocacy events to change the table of quantity thresholds of narcotic drugs, decriminalize people who use drugs and abolish criminalizing articles of the Criminal and Administrative Codes of Ukraine.<sup>8, 9, 10, 11, 12, 13, 14, 15, 16</sup>
- Participating in meetings of working groups, committees, and coordinating councils of various government agencies to improve access to and raise standards of appropriate medical care, mental health care, and rehabilitation services for people who use drugs: regional Coordination Councils on HIV/AIDS and Tuberculosis; Working Group to Coordinate the Implementation of the Strategy for a Comprehensive Response to Human Rights Barriers to Access to HIV and Tuberculosis Prevention and Treatment Services; regional working groups on human rights issues; regional working groups on drug use and drug-related crimes. At such meetings, representatives of the community of people who use drugs have raised the issues of adopting and applying a human rights-based approach to people who use drugs, reducing stigma and discrimination, expanding access to treatment that includes diagnosis and treatment of viral hepatitis, and scaling up OAT programmes.<sup>17, 18, 19, 20</sup>

<sup>8</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/bf-volna-zaklikae-prijnyati-ta-rozpochati-vprovadzhennya-novoi-strategii-zaradi-zberezhennya-zhittya-i-zdorovya-lyudej,-yaki-zhivut-z-narkozalezhnistyu.html>

<sup>9</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/fleshmob-%C2%ABstrategiya-zaradi-zhittya-i-zdorovya-narkozalezhnix-lyudej%C2%BB.html>

<sup>10</sup> <https://www.youtube.com/watch?v=HADxHEVz3Mo>

<sup>11</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/volna-provela-vseukrainskij-fleshmob-do-dnya-obiznanosti-pro-peredozuvannya.html>

<sup>12</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/support.html>

<sup>13</sup> <https://volna.in.ua/novini/sv%D1%96tov%D1%96-novini/praval.html>

<sup>14</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/po-vs%D1%96j-ukra%D1%97n%D1%96-za-%D1%96n%D1%96cz%D1%96ativi-bo-bf-%C2%ABvolna%C2%BB-projshli-akcz%D1%96%D1%97-do-m%D1%96zharodnogo-dnya-borotbi-z-peredozuvannyami.html>

<sup>15</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/v%D1%96dbulasya-performans-akcz%D1%96ya-%C2%ABgajki-ukra%D1%97nsko%D1%97-narkopol%D1%96tiki%C2%BB.html>

<sup>16</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/v%D1%96dkritij-list-volni.html>

<sup>17</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/22-cherვნya-2023-roku-v-ivano-frankivsku-vidbulos-cherգove-zasidannya-oblasnoi-koordinacijnoi-radi-protidii-vil-infekczii/snidu-ta-tuberkulozu.html>

<sup>18</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/vzyali-uchast-u-zasidanni-oblasnoi-radi-z-koordinaczii-dij-u-vidpovid-na-poshirennya-tuberkulozu-u-lvovi.html>

<sup>19</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/beremo-uchast-u-formuvann%D1%96-oblradi-z-protid%D1%96%D1%97-tuberkulozu-ta-v%D1%96/sn%D1%96du.html>

<sup>20</sup> [https://www.phc.org.ua/sites/default/files/users/user90/Nakaz\\_23.10.2019\\_70-agd.pdf](https://www.phc.org.ua/sites/default/files/users/user90/Nakaz_23.10.2019_70-agd.pdf)

- Organizing, conducting and participating in working meetings and conferences with partners and decision-makers to reduce stigma and discrimination and address the treatment and support needs of people with drug dependence.<sup>21, 22, 23, 24, 25, 26</sup>
- Initiating public discussions on draft drug policy legislation to improve access to and raise standards of appropriate medical care, psychological support, and rehabilitation services and to apply a human rights-based approach to people who use drugs. So far, the focus has been on advocating for the adoption of draft legislation on medical cannabis and the regulation of medical cannabis. There was also an unsuccessful attempt to veto the Draft Law No. 4049 due to the following grounds of discrimination: length of prison sentence, doubling the fine for driving a vehicle for people who use psychoactive substances, etc. A positive outcome of these discussions was the withdrawal of Draft Law No. 5715 (Draft Law “*On the Amendment of Certain Legislative Acts of Ukraine on the Peculiarities of Criminal Liability of Persons Committing Offences Due to Dependence on Narcotic and Other Psychoactive Substances, and Organization of Rehabilitation of Such Persons*”), which provided for mandatory testing and treatment for people who use psychoactive substances, as well as the promotion of forced rehabilitation.<sup>27, 28, 29, 30, 31</sup>
- Development of the State Strategy on Drug Policy for the period up to 2020.<sup>32, 33, 34</sup>
- Development of the State Strategy on Drug Policy for the period up to 2030.<sup>35</sup>

<sup>21</sup> <https://www.ombudsman.gov.ua/uk/ugodi-dogovori-memorandumi>

<sup>22</sup> <https://www.helsinki.org.ua/articles/pereselentsiv-ne-pustyly-do-trykhytka-cherez-sotsialnyy-status-yak-iurysty-boriutsia-z-dyskryminatsiieiu/>

<sup>23</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/naczionalnij-dialog-za-dlya-rozvitku-programi-zamisnoi-pidtrimovalnoi-terapii-v-ukraini.html>

<sup>24</sup> <https://volna.in.ua/novini/sv%D1%96tov%D1%96-novini/u-kievi-projshla-zustrich-z-koordinatorom-pepfar.html>

<sup>25</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/spilnota-lvin-pribula-na-naczionalnij-dialog-globalnogo-fondu-v-krakovi.html>

<sup>26</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/%E2%80%9Cvolna%E2%80%9D-zvernulas-dom%D1%96n%D1%96sterstvo-oxoroni-zdorovya-ukra%D1%97ni.html>

<sup>27</sup> <https://patients.org.ua/2021/11/02/zvernennya-127-gromadskiyh-organizacij-do-prezydenta-ukrayiny-z-zaklykom-vidnovyty-rozglyad-pytannya-pro-medkanabis/>

<sup>28</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/verxovna-rada-uxvalila-u-pershomu-chitanni-zakonoproekt-pro-regulyuvannya-obigu-medichnogo-kanabisu.html>

<sup>29</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/zaklikaemo-prezidenta-naklasti-veto-na-prijnyatij-ru-zakonoproekt-%E2%84%964049.html>

<sup>30</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/cina.html>

<sup>31</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/zagroza.html>

<sup>32</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/strateg%D1%96ya-derzhavno%D1%97-pol%D1%96tiki-shhodo-narkotik%D1%96v-na-per%D1%96od-do-2020-roku.html>

<sup>33</sup> <https://ru.interfax.com.ua/news/press-conference/932098.html>

<sup>34</sup> <https://mv.ecuo.org/oleg-dymaretskij-zamestitelnuyu-terapiyu-v-ukraine-dolzhen-prinimat-200-tysyach-chelovek/>

<sup>35</sup> <https://volna.in.ua/novini/nacz%D1%96onaln%D1%96-novini/pochalisya-obgovorennya-ta-konsultaczii-shhodo-C2%ABderzhavnoi-strategii-narkopolitiki-na-period-do-2030-roku%C2%BB.html>

After receiving the CEDAW recommendations of 2022, *Club “Eney”* also carried out various activities to implement them:

- Organizing and conducting working meetings with partners and decision-makers; working meetings with drug treatment clinic staff and social service providers specifically focused on supporting women who use psychoactive substances and have been exposed to gender-based violence to implement the CEDAW recommendation and ensure that these women have access to adequate shelters, legal assistance and, if necessary, free medical care and mental health services. Working meetings with representatives of partner organizations providing HIV prevention and harm reduction services to improve employment rates for women who use psychoactive substances and provide social peer support for women that can only be offered by women from the community. A series of meetings were held with representatives of state institutions: state shelters for survivors of domestic violence, children’s services, social services, and law enforcement agencies, as well as with partner organizations such as *CO Positive Women*, *CO Convictus Ukraine*, and *IF Right to Health* to change the situation of access to appropriate services for women who use psychoactive substances in situations of gender-based violence.<sup>36, 37, 38, 39, 40, 41</sup>
- Conducting thematic flash mobs and events focusing on women who use drugs to stop their criminalization and persecution and to change Model Provisions on Shelter for Survivors

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<https://www.facebook.com/EneyClub/posts/pfbid0ZVkmY1YHoprmngFDTCWj5Yz2tvYs1Ew9tbah2fKww9exjPsadgD9g8ijynMLZVFZl>

37

<https://www.facebook.com/EneyClub/posts/pfbid0bZ1hZKiBbARTs2hyVHq9mdvDmyxC6Uu6Wsk9CHPhk3AF9YKFmzg6TrtzWQV4pxDTl>

38

<https://www.facebook.com/EneyClub/posts/pfbid02aP5oRH1JYzGESuGbFJkPXUWkRbV46CTCr2PBqzrZioZFGtZQ2rWkQMMD44xT5w4Cl>

39

[https://www.facebook.com/saved/?list\\_id=304753135506395](https://www.facebook.com/saved/?list_id=304753135506395)

40

<https://www.facebook.com/EneyClub/posts/pfbid0FiV59TDb4EZg4k2bTJrbg3KNCfmr71DmnyCHT4i6nX1bXpxKKrw7EGMxKkmJNggTl>

41

<https://www.facebook.com/EneyClub/posts/pfbid033YskULSJ9tsf4C4xW55X8vADZmtY3PSjv6epAFqVfii5LHYDRcFNY2zYQVbw4yNSl>

of Domestic and Gender-Based Violence and reduce stigma and discrimination against women.<sup>42, 43, 44, 45, 46, 47, 48, 49, 50, 51</sup>

- Creating and piloting an alternative provisions on shelter for women who use drugs, survivors of domestic and gender-based violence.<sup>52, 53</sup>

In addition, *VOLNa* and *Club “Eney”* have conducted meetings and interviews with representatives of non-governmental organizations advocating for the health and rights of people who use drugs: *CF Convictus Ukraine* and *CO Positive Women*. These organizations were aware of the existing recommendations of the treaty bodies and used this data in their advocacy work with decision-makers. *CF Convictus Ukraine* and *CO Positive Women* met with representatives of social services, local authorities, and shelters for survivors of domestic violence to improve access to social and legal services for women who use psychoactive substances in situations of gender-based violence. In addition, *CF Convictus Ukraine* carried out educational activities for women who find themselves in difficult circumstances, including women who use psychoactive

<sup>42</sup> <https://clubeney.org.ua/action/countering-stigma-and-discrimination/>

<sup>43</sup> <https://fku.kubg.edu.ua/struktura/tsyklova-komisii-vykladachiv/tskv-psikhologo-pedagogichnikh-distsiplin-2/3297-festyval-art-proty-nasylstva.html>

<sup>44</sup> <https://mdp.org.ua/novyny/u-kyievi-pokazhut-art-proty-nasylstva/>

<sup>45</sup> <https://www.msp.gov.ua/news/16315.html?PrintVersion>

<sup>46</sup>

<https://www.facebook.com/EneyClub/posts/pfbid02TcFjUHDyCvHgfUPxpVMW4md8LLR522qDoZVkcMmMF39KhZP4SKC82dQb24EQihn7Vl>

<sup>47</sup>

<https://www.facebook.com/EneyClub/posts/pfbid09sPQ6w8GdGhgvJDWkGvUUkvKKJPVwKFhuKr1tQo5LirmsjUNhWvGLtqhhotfQygsI>

<sup>48</sup>

<https://www.facebook.com/EneyClub/posts/pfbid0ky4f1u2RGtJGafYV6cgKjQdhs29R8bhKDYKKKJC1vU6Rod6kLnrMfcWujx1suusI>

<sup>49</sup> <http://schedule.nrcu.gov.ua/channel.html?channelID=4&progID=670&sliderIndex=47&date=2023-06-26>

<sup>50</sup> [https://soundcloud.com/ur\\_local/zmni-v-zhitt-narkozalezhnikh-u-perod-povnomasshtabno-vyni-dosvd-tsentralnikh-regionv?si=f7c3909c3d2e4737a1a43a108a0782ee&utm\\_source=clipboard&utm\\_medium=text&utm\\_campaign=social\\_sharing](https://soundcloud.com/ur_local/zmni-v-zhitt-narkozalezhnikh-u-perod-povnomasshtabno-vyni-dosvd-tsentralnikh-regionv?si=f7c3909c3d2e4737a1a43a108a0782ee&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

<sup>51</sup> [https://soundcloud.com/ur\\_local/ostanni-inicziativi-go-shhodo?si=5dc997d5242f4b77a94379d6038e69b1&utm\\_source=clipboard&utm\\_medium=text&utm\\_campaign=social\\_sharing](https://soundcloud.com/ur_local/ostanni-inicziativi-go-shhodo?si=5dc997d5242f4b77a94379d6038e69b1&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

<sup>52</sup>

<https://www.facebook.com/EneyClub/posts/pfbid07RQythcMauxyKn2Y1vUyrnPICK8H6zeqVL5WYwELJ1JycJyjKVYYZoDkytcmhhJcl>

<sup>53</sup>

<https://www.facebook.com/EneyClub/posts/pfbid02m1aFv6qyMbBUaJ5yojU4e7N2LxF5Ee4KOY4a3wKEQ4U2BEfVXsetNjqfWUz9wnZJI>

substances. Subsequently, meetings and negotiations were held with business representatives to increase the level of employment for these women.<sup>54</sup>

## PART 4. RESULTS OF THE ACTIVITIES OF CIVIL SOCIETY ORGANIZATIONS

The efforts of civil society organizations have not led to the full implementation of the human rights treaty bodies' recommendations to Ukraine. However, at least two results are known:

1. In 2022, the Ministry of Social Policy of Ukraine adopted and amended<sup>55</sup> the Model Provisions on Shelter for Survivors of Domestic and/or Gender-Based Violence related to women who use drugs.

Previously, this document contained access restrictions for women who use drugs. Paragraph 20 of the Model Provisions on Shelter for Survivors of Domestic and/or Gender-Based Violence:

*Affected persons will not be admitted to the shelter:*

- *under the influence of alcohol or drugs;*
- *with mental illness in the acute stage, chronic mental illness in the acute stage, and borderline conditions associated with behavioral disorders that are harmful to the patient and others.*

These restrictions have now been removed from the Provisions based on the Resolution of the Cabinet of Ministers of Ukraine No. 1372 of 09.12.2022, which shows the implementation of the CEDAW recommendation 30(e) “*Ensure that all women and girl victims of gender-based violence in the State party have access to adequate shelters, legal assistance, free of charge, if necessary, health care, especially mental health services, including... women who use drugs.*”

Under the new edition of the Model Provisions on Shelter for Survivors of Domestic and/or Gender-Based Violence, women who use drugs will have access to shelters in cases of gender-

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<sup>54</sup> <http://www.convictus.org.ua/rozvitok-ekonomichnoi-nezalezhnosti-zhinok-protidiya-nasilstvu-zabezpechennya-gendernoi-rivnosti/>

<sup>55</sup> <https://zakon.rada.gov.ua/laws/show/1372-2022-%D0%BF#Text>

based violence, including access to all services offered in the shelters. Previously, this was not possible for them.

2. The State Strategy on Drug Policy for the period up to 2030 is currently being actively discussed with community representatives and there is positive momentum for its adoption in the near future. There is no current Strategy in Ukraine, as the previous one expired in 2020. The draft of the new document includes sections related to expanding and improving the quality of harm reduction and OAT programmes, which is a positive result of the efforts of community activists.

With the adoption of the Strategy, the following CESCRC recommendations will be implemented: *conducting awareness-raising programmes about the serious health risks associated with drug use; addressing discrimination against drug-dependent persons; providing appropriate health care, psychological support services, and rehabilitation to such persons, including effective drug dependence treatment such as opioid substitution therapy; allocating financial resources for the proper operation of opioid substitution therapy (OST) and harm reduction programmes, and increasing their coverage, as well as ensuring better access to such programmes in prisons.*

The Strategy will not only improve the quality of services and access to them for people who use psychoactive substances but will also create additional mechanisms to monitor the quality of services, combat discrimination, and protect human rights.

## **PART 5. FEEDBACK FROM RELEVANT MINISTRIES**

Official requests were sent to the relevant ministries of Ukraine to assess the status of implementation of the recommendations of the UN human rights treaty bodies in the period from June to August 2023. Each request consisted of three parts:

- Part 1: Information on the committees and recommendations received for the country.
- Part 2: Ministry's level of familiarity with existing recommendations.

- Part 3: Actions to implement recommendations and planned activities for each Ministry according to its mandate.

## **Ministry of Health of Ukraine and state institution ‘Public Health Centre of the Ministry of Health of Ukraine’**

Below, you will find information from the Ministry of Health of Ukraine (hereafter referred to as the “Ministry of Health”) and the state institution *Public Health Centre of the Ministry of Health of Ukraine* (hereafter referred to as “the PHC”) on measures to implement the recommendations of the UN human rights treaty bodies to Ukraine.

Regarding the implementation of awareness-raising programmes *about the serious health risks associated with drug use and the provision of appropriate health care, psychological support services, and rehabilitation to such persons (people who use drugs), including effective drug dependence treatment such as opioid substitution therapy*, the following information was provided:

1. *An interdepartmental working group of the Ministry of Health on the provision of harm reduction and substitution maintenance therapy services was established by the Decree of the Ministry of Health, dated February 6, 2020, No. 268.*
2. *Participation in the preparation and approval of the draft State Strategy on Drug Policy for the period up to 2030 and the Action Plan for 2023–2025 for the implementation of the State Strategy on Drug Policy for the period up to 2030 (hereafter referred to as the draft Strategy). The draft Strategy is currently being finalized for approval by the Government of Ukraine.*
3. *The Ministry of Health and the PHC have developed and amended the following legal acts:*
  - 1) *Standard of Medical Care “Mental and behavioral disorders due to opioid use” was approved by the Decree of the Ministry of Health of Ukraine, dated November 9, 2020 No. 2555.*

(**Comment:** This is an important change for the community as the standard focuses on international best practices with proven effectiveness and provides for the further development of OAT programmes in Ukraine with guaranteed government support. At the state level, it is now clearly stated that OAT is the primary treatment method. The patient is involved in the development of the individual and comprehensive treatment plan. The standard, therefore, states that the patient is an active participant in the treatment process. This strengthens patients' ability to protect their rights. Treatment now begins as soon as possible, often on the first day of the patient's visit. For the first time, all characteristics of OAT prescribing are clearly defined, including quality indicators, which reduces the risk of non-compliance when private clinics and individual doctors prescribe treatment. The Standard states that opioid dependency is a chronic, relapsing disease, and treatment can be lifelong. This means that complete abstinence from opioid use is not the primary goal of treatment for most patients, which reduces the risk of stigmatization of patients by physicians and social workers).

- 2) *by the Decree of the Ministry of Health of Ukraine dated October 11, 2022 No. 1841 "On Approval of Amendments to Certain Legislative Acts of the Ministry of Health of Ukraine," amendments were made to the Decree of the Ministry of Health of Ukraine dated July 19, 2005 No. 360 "On Approval of the Rules for Issuing Prescriptions for Medicines and Medicinal Products, the Procedure for Dispensing Medicines and Medicinal Products by Pharmacies and their Structural Subdivisions, Instructions on the Procedure for Storage, Registration, and Destruction of Prescription Forms." These amendments introduced, in particular, the issuance of electronic prescriptions for medicines containing narcotic drugs and psychotropic substances in pure form or mixed with indifferent substances.*

(**Comment:** For people who use drugs, this means better accessibility and more opportunities to get treatment. Previously, only a paper form of the prescription was available, but the clinic may not have a sufficient quantity of such forms. Electronic prescriptions for medicines containing narcotic drugs and psychotropic substances are a further step in the digitalization of healthcare.)

- 3) *The procedure for conducting substitution maintenance therapy for persons with mental and behavioral disorders due to opioid use was improved by the Decree of the Ministry of Health of Ukraine dated November 16, 2020, No. 2630 "On Amendments to the Decree of the Ministry of Health of Ukraine dated March 27, 2012 No. 200", which was registered with the Ministry of Justice of Ukraine on January 14, 2021, under No. 51/35673.*



(**Comment:** These changes are mainly technical. There is one change that reduces the stigmatization of people who use drugs: in paragraph 1 of the Decree, the words “patients with opioid addiction” have been replaced by “persons with mental and behavioral disorders due to opioid use.”)

- 4) *by the Decree of the Ministry of Health of July 25, 2022, No. 1317 “On the functioning of the information system “Surveillance of socially significant diseases,” the information system “Surveillance of socially significant diseases” (hereafter referred to as IS SSD) was put into operation. The IS SSD is a tool for creating a unified information and analysis space in the provision of medical services related to HIV, tuberculosis, opioid dependency, and viral hepatitis. The use of the IS SSD makes it possible to increase the efficiency of planning, monitoring of the epidemiological situation, and implementation of programmes and services in the field of socially significant diseases, in particular, the treatment of persons with mental and behavioral disorders due to the use of opioids with OST [OAT] medications.*

(**Comment:** The introduction of a single information system has meant that people can no longer be patients at several OAT sites/clinics at the same time. This reduces the risk of overdose and drug abuse and thus increases the effectiveness of OAT treatment.)

With regard to the inquiry on measures to combat discrimination against people who use drugs, the Ministry of Health has provided the following information:

1. *In 2019, a Working Group was established to coordinate the implementation of the Strategy for a Comprehensive Response to Human Rights-Related Barriers to Accessing HIV and TB Prevention and Treatment Services for 2019–2030 and the Strategic Plan for a Comprehensive Response to Human Rights-Related Barriers to Accessing HIV and TB Prevention and Treatment Services for 2019–2022, as well as the Thematic Subgroup on Implementing the Global Partnership’s Goals to Reduce All Forms of HIV-Related Stigma and Discrimination (hereafter referred to as the Thematic Subgroup). One of the activities of the Working Group and the subgroup is the coordination and interaction of stakeholders working towards reducing stigma and discrimination.*

2. *The Strategic Plan for a Comprehensive Response to Human Rights-Related Barriers to Accessing HIV and TB Prevention and Treatment Services for the period 2019–2022 was extended to 2023. An evaluation of the plan’s activities for the period 2019–2022 was conducted. A new draft Strategy for a Comprehensive Response to Human Rights-Related Barriers to Accessing HIV and TB Prevention and Treatment Services for 2019–2030 and a corresponding Strategic Plan for 2024–2026 are under development. The Strategy and strategic plan include sections on planned activities to reduce stigma and discrimination.*
3. *Many programmatic interventions to overcome stigma and discrimination were developed by the Primary Recipients and key populations and submitted in the funding request for consideration by the Global Fund to Fight AIDS, Tuberculosis and Malaria (hereafter referred to as the Global Fund) for a new funding cycle 2024–2026.*
4. *According to the People Living with HIV Stigma Index 2.0 study, a positive dynamic is expected in Ukraine in 2020, indicating the progress and effectiveness of measures to reduce stigma and discrimination.*

(**Comment:** this is reflected in a gradual decline in the proportion of people living with HIV (PLHIV) who have experienced at least one breach of confidentiality. The frequency of stigmatization and discrimination of PLHIV by the social environment is gradually decreasing compared to the surveys of previous years, although the problem of stigmatization and discrimination by the social environment is still relevant in Ukrainian society. In particular, the integral indicator of limited access to medical services for PLHIV decreases in each wave of the study compared to the previous one: from 22% in 2010 to 4% in 2020. The situation regarding the rights of PLHIV to anonymity, confidentiality, and medical secrecy is improving. The results of the study show a trend towards an increase in the proportion of PLHIV who have voluntarily and consciously undergone an HIV test.<sup>56)</sup>

5. *In 2021, the charitable organization “All-Ukrainian Network of People Living with HIV/AIDS” conducted the first large-scale study “TB stigma assessment in Ukraine”<sup>57) as</sup>*

<sup>56</sup> <https://network.org.ua/wp-content/uploads/2021/02/INDEKS-STYGMY-LYUDEJ-YAKI-ZHYVUT-Z-VIL-2.0-1-1.pdf>

<sup>57</sup>

<https://phc.org.ua/sites/default/files/users/user90/Report%20100%25Life%20TB%20Stigma%20UA.pdf>

*part of a strategic partnership with the state institution “Public Health Centre of the Ministry of Health of Ukraine” and CO “TB people Ukraine”. The study aims to assess stigma as a barrier to accessing services for TB screening, prevention, and treatment.*

**(Comment:** It is important to note that for the first time in Ukraine, a study was conducted to assess the extent of stigmatization of people living with tuberculosis (TB). The study showed that people hide their TB diagnosis due to stigmatization in the community, medical institutions, family, and workplace. As a result, they seek treatment late. This leads to the spread of TB infection in the community and deaths among people with TB who could have otherwise received medical care if they had sought it in time. The study recommends changing the relevant laws that stigmatize people with TB.)

6. *The PHC, in cooperation with the Academy of the National Health Service of Ukraine and the charitable organization “TB People Ukraine”, and with support of the charitable organization “All-Ukrainian Network of People Living with HIV/AIDS”, developed a training course “Forming a tolerant attitude towards people with TB and representatives of groups with at-risk behaviors,” which was attended by 1,465 participants in November–December 2022. The training course was developed to improve knowledge about the peculiarities of the course of the disease and the general epidemic situation with tuberculosis in Ukraine and the world, improving the communication skills of doctors and developing skills to recognize and eliminate stigma and discrimination.*
7. *The Procedure for the Implementation of the Programme of State Guarantees for the Provision of Medical Care to the Population in 2023, approved by the Resolution of the Cabinet of Ministers of Ukraine of December 27, 2022, No. 1464, on the diagnosis and treatment of adults and children with tuberculosis, requires compliance with the principle of tolerant attitude towards patients in the organization of service provision and, accordingly, compliance with the programme approved by the medical provider to combat discrimination and stigmatization of patients with TB and to ensure the confidentiality of relevant medical data.*
8. *As part of the measures to overcome tuberculosis by 2030 and in preparation for the UN High-Level Meeting on Tuberculosis in 2023, the PHC has developed a dictionary of TB-*

*related terminology entitled National Recommendations for Destigmatizing Terminology in Tuberculosis Control.*

In response to the request about *allocating financial resources for the proper operation of opioid substitution therapy and harm reduction programmes and increasing their coverage, as well as ensuring better access to such programmes in prisons*, institutions provided the following information:

*1. Since 2018, the OST programme has been introduced in the institutions of the State Penitentiary Service of Ukraine (hereafter referred to as SPSU). To implement the Decree of the Ministry of Justice of Ukraine dated December 26, 2018, No. 4092/5, a pilot project “Complex treatment with substitution maintenance therapy for prisoners with mental and behavioral disorders due to opioid use in the State Penitentiary Institution “Bucha Correctional Colony (No. 85)” was successfully implemented in the said institution. The project was introduced by the international organization PATH as part of the Serving Life project funded by the United States Agency for International Development (USAID), in cooperation with the International Committee of the Red Cross, ICF Alliance for Public Health, and CO All-Ukrainian Network of People Living with HIV/AIDS. In December 2020, due to the closure of the state institution “Bucha Correctional Colony (No. 85),” 29 patients of the SMT programme were transferred to the state institution “Northern Correctional Colony (No. 90)” in the Kherson region. During the transfer to the institution and their subsequent stay there, the patients received comprehensive treatment with SMT medication. At the end of the reporting period (03.01.2022), there were 78 patients in the SMT programme in the medical department of the state institution “Northern Correctional Colony (No. 90)” and the Daryevsk Multidisciplinary Hospital No. 10 of the branch of the Healthcare Center of the State Penitentiary Service of Ukraine (hereafter referred to as HC SPSU) in the Kherson region. The patients underwent detoxification treatment with liquid methadone. The detoxification was carried out taking into account the available methadone supplies and the impossibility of replenishing them in the situation of Russian military aggression against Ukraine. With the support of the Global Fund, a total of 11 SMT sites were opened, for which liquid methadone, rapid tests for psychoactive substances, and necessary medical supplies were purchased. Within the framework of two financing cycles of the Global Fund (2018–2020 and 2021–2023), goods and services with a total value of approximately UAH 6.1 million were purchased for the SMT programme*

*operations. As of 01.06.2023, there were 7 HC SPSU healthcare facilities (hereafter referred to as HF HC SPSU) on the territory controlled by Ukraine that provide treatment with SMT drugs for people with mental and behavioral disorders due to the use of opioids. In general, the number of patients with mental and behavioral disorders due to opioid use receiving SMT medications in the HF HC SPSU is 187 (as of 06/01/2023). In 2023, it was planned to introduce SMT for people with mental and behavioral disorders due to opioid use in another 9 HC SPSU facilities (preparation of two of these facilities is in the final stages). The plan was to take into account the security level of prisoners in the SPSU facilities and gender differences. It was also planned to provide access to the SMT service for patients with a concurrent diagnosis of tuberculosis.*

3. *The National Strategy on HIV/AIDS, Tuberculosis and Viral Hepatitis Response for the period up to 2030, approved by the Decree of the Cabinet of Ministers of Ukraine dated November 27, 2019, No. 1415-g, aims to ensure access to harm reduction programs and drug dependence treatment for representatives of key populations, in particular people who inject drugs, to prevent re-infection after achieving a stable virological response. The strategy envisages the need to apply new approaches to reduce the risk of HIV transmission among prisoners in penitentiary institutions – the introduction of a pilot project, “Implementation of a Comprehensive Package of Services to Reduce the Harm Caused by the Use of Psychoactive Substances by Prisoners in the Medical Unit No. 14 of HC SPSU in Mykolaiv and Odesa Regions” (hereafter referred to as the pilot project). In the state institution “Odessa Correctional Colony (No. 14)”, prisoners can now exchange syringes and needles for clean ones. There are eight peer counselors (social workers) in the pilot project. They offer harm reduction services using a peer-to-peer approach. For the two Global Fund funding cycles, 2018–2020 and 2021–2023, the following resources were purchased for the functioning of the harm reduction programme at SPSU facilities: Syringes, alcohol wipes, and containers for syringe disposal totaling UAH 0.14 million; HIV rapid tests totaling UAH 9.2 million; condoms and lubricants totaling UAH 4.6 million. An application for the implementation of OST and harm reduction programmes in SPSU facilities has been submitted for the Global Fund review for the new 2024–2026 funding cycle. The corresponding document is currently in the approval phase.*

## Ministry of Internal Affairs of Ukraine

Below, you will find information provided by the Department for Cooperation with the National Police of Ukraine (hereafter referred to as NPU) of the Ministry of Internal Affairs of Ukraine together with the National Police under the leadership of the Ministry of Internal Affairs on measures to implement the recommendations of the UN human rights treaty bodies to Ukraine.

Regarding the implementation of programmes to raise awareness of the serious health risks associated with drug use, the institutions gave the following response:

- 1. Following the tasks set out in the Action Plan for 2019–2020 (hereafter referred to as the "Plan") of the State Strategy on Drug Policy for the period for the period up to 2020, approved by the Decree of the Cabinet of Ministers of Ukraine dated February 6, 2019, No. 56-r, the Ministry of Internal Affairs of Ukraine, within its competence, participated as a co-executor in the implementation of some of these measures aimed at the prevention of drug dependency and illegal drug use, namely, promoting the interaction of state bodies and civil society organizations with the media to raise public awareness, providing objective, evidence-based information on the dangers associated with the use of drugs, alcohol and smoking (point 3 of the Plan), informing the population about the development and implementation of the state drug policy (point 7 of the Plan).*
- 2. Under the first subparagraph of Article 23(1) of the Law of Ukraine "On the National Police" (hereafter referred to as the "Law on the NPU"), the Police takes preventive and protective actions to prevent criminal offences according to assigned tasks. To implement the established provisions of the Law on the NPU, the bodies (departments) of the National Police of Ukraine participate in comprehensive national programmes and national strategies that provide for crime prevention. In particular, the NPU participated in the realization of measures set out in the Action Plan for 2019-2020 of the State Strategy on Drugs for the period up to 2020.*

3. *According to the provisions of subparagraphs 1, 3 of Article 89 of the Law on NPU, the Police shall cooperate with the general public through preparation and implementation of joint projects, programmes and measures to address public needs and increase the efficiency of performance of tasks imposed on the police. The Police also shall support legal education programmes and promote legal studies in educational institutions, mass media and publishing.*
4. *Institutions (departments) of the National Police of Ukraine are involved in the implementation of regional crime prevention programs and approved by village, town, and city councils following the provisions of Article 26.22 of the Law of Ukraine “On Local Self-Government in Ukraine,” which provides, inter alia, for informational, cultural and educational activities aimed at crime prevention, in particular, at raising public awareness of the serious health risks associated with drug use.*
5. *In accordance with the Regulation on the Department for Combating Drug-Related Crimes, approved by the Order of the National Police of Ukraine dated June 2, 2023, No. 463, the Department for Combating Drug-Related Crimes of the National Police of Ukraine (hereafter referred to as DCDRC NPU) carries out preventive measures aimed at preventing offenses in the field of illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, and within its competence takes measures to eliminate the causes and conditions that lead to the commission of criminal offenses in the field of illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, initiates anti-drug propaganda by publishing relevant information in the media and cooperating with media professionals.*

**(Comment:** The anti-drug propaganda mainly uses statistics on people arrested and the amount of psychoactive substances seized and calls for reporting information to law enforcement about the distribution of drugs: who is selling them and where.<sup>58</sup> There are also videos and photos that can hardly be described as stigmatizing, but rather as outdated (they do not take into account the changes in the drug scene). Such visual materials are more intimidating than informing. A popular format for anti-drug propaganda also remains the painting over with paints advertisements of stores (drugstores) selling psychoactive substances over the Internet on the walls of buildings in

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<sup>58</sup> <https://www.facebook.com/DBN.NP>

various cities of the country. It is difficult to say anything about the effectiveness of such methods because people can find out about the work of such stores directly on the Internet, and as a rule, new ads appear quite quickly in the same places.)

6. *In accordance with the provisions of the Instructions on the Organization of the Work of the Juvenile Prevention Units of the National Police of Ukraine, approved by the Order of the Ministry of Internal Affairs of 19 December 2017 No. 1044, the powers of the juvenile prevention units include planning and conducting preventive measures with children to prevent negative phenomena; participating in measures to prevent neglect and delinquency among children; conducting introductory, preventive and educational conversations with children and their parents, legal representatives, family members in order to eliminate the causes and conditions that contributed to the commission of an offense or crime by the child, etc.*

**(Comment:** These classes are typically taught by police officers who provide information about the harmful effects of substance use and criminal liability for drug use and possession but do not provide information about support and treatment services or resources for youth.)

7. *In 2021, the Department for Combating Drug-Related Crimes of the National Police of Ukraine, with the support of the International Charitable Foundation “AIDS Foundation East-West”, the Council of Europe, and UNICEF, developed a video with the following social messages: “Nothing prevents negative actions better than knowing their consequences”, “A story with two possible endings”, and “Our attention is the best prevention”.<sup>59</sup> Also, within the framework of the UN Recovery and Peacebuilding Programme, with financial support from the governments of Denmark, Switzerland, and Sweden, and the implementation of measures of the “Regional Programme on Crime Prevention, Countering the Spread of Drug Abuse and Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors in the Donetsk region for 2019-2021,” Peredova Studio created a video entitled “Preventing and combating drug use”, which was recognized as social advertising by the National Television Council of Ukraine. Throughout 2021, this video was shown on video screens in 24 stations of the Kyiv Metro and certain types of public transportation.*

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<sup>59</sup> <https://www.youtube.com/watch?v=dOZav094T0o>



8. *Information from the Department for Combating Drug-Related Crimes of the National Police of Ukraine on countering the spread of drug dependence and other negative phenomena among youth is published on official pages in the Facebook and Telegram networks and made available to the media for further dissemination. In 2022, more than 500 posts were published on Facebook alone, highlighting examples of solving high-profile drug-related crimes and the involvement of DCDRC NPU employees in prevention activities.*
9. *Similarly, based on the results of preventive work with children and adults on the issues of developing a healthy lifestyle and explaining the harmful effects of the use of narcotic drugs, psychotropic substances, and precursors, poisonous and potent drugs, the employees of the juvenile prevention units cover this information on the official page of the Department of Juvenile Prevention on Facebook, Instagram (Juvenile Police of Ukraine) and the website of the National Police of Ukraine.*
10. *NPU staff organize and conduct preventive activities (discussions, lectures) on these topics in educational institutions. In 2022, preventive activities were carried out in eight educational institutions in Kyiv, using publicly available information, expert opinions of leading specialists in drug dependence, and methodological recommendations. As part of these activities, the following programmes were used: a comprehensive programme on the prevention of drug and alcohol problems aimed at students of grades 7–11, their parents, and staff of educational institutions of the I–III levels of education; lecture on the training course “Illegal drug use and its prevention” of the National Academy of Internal Affairs; manual “European Prevention Curriculum,” etc. The training programmes are also based on the following sources: the portal of good practices; standards and recommendations; the United Nations Office on Drugs and Crime (UNODC) training kit; materials of the manual for preventive anti-drug educational work developed by the Ministry of Education and Science of Ukraine; educational and methodological manual “Training Module: a Sensitive Approach to People who Use Drugs,” approved at a meeting of the Academic Council of the Academy of the State Penitentiary Service on December 24, 2020; methodological manual “Best Practices in Working with Adolescents” of the International Charitable Foundation “AIDS Foundation East-West,” etc.*

11. *Active participation in the organization and implementation of preventive measures, also involving the public, continued in 2023. For example, in May 2023, employees of the Department for Combating Drug-Related Crimes of the National Police of Ukraine organized a meeting with the NGO “NARCONON” on the implementation of the project “Why you should keep your hands off drugs” and further preventive work among students in educational institutions of Ukraine.*
  
12. *In June 2023, representatives of the Department for Combating Drug-Related Crimes of the National Police of Ukraine took part in a strategic meeting on the implementation of the Operational Plan for Combating Illicit Trafficking in Cannabis, Cocaine and Heroin for 2023 as part of the implementation of the provisions of the Operational Plan for Combating Trafficking in Persons EMPACT; in online meetings to discuss additional issues in countering illicit drug trafficking in the framework of the first analysis by the European Commission of the data on Ukraine’s progress against all accession criteria in the Individual annual report; in a meeting of the Horizontal Working Group on Drugs (HWGD) of the Council of the EU as invited by the Delegation of Ukraine to the European Union.*
  
13. *As part of the anti-drug propaganda and to implement the project “Why you should keep your hands off drugs” dedicated to the International Day against Drug Abuse and Illicit Trafficking, in June 2023, DCDRC NPU employees participated in the recording of videos about the harmful effect of drugs on the human organism, as well as a video on the promotion of a healthy lifestyle with the Ukrainian para-triathlon team and Ukrainian triathlon international class champion Roman Korol.*

The following information relates to measures to combat discrimination against people who use drugs:

1. *To raise public awareness and draw attention to the fight against discrimination against people who use drugs, as well as prevention, treatment, and rehabilitation related to HIV/AIDS, the DCDRC NPU, in collaboration with civil society organizations, publishes educational materials, contact numbers of specialized services, NGOs, links to Internet resources, on social media, and chatbots in messengers.*

(**Comment:** The information and educational materials in question are news about the detention and arrest of people who use psychoactive substances, which cannot have a positive effect on reducing discrimination, but on the contrary, contributes to increasing stigmatization and discrimination in society.)

2. *According to the Ministry of Internal Affairs, no complaints or inquiries regarding discrimination against people who use drugs were registered with the Ministry between 2014 and June 2023. There is no information about this type of complaint to the National Police of Ukraine.*

(**Comment:** There is an Anti-Discrimination Law in Ukraine, and the REACT system records cases of discrimination against people who use psychoactive substances, so the absence of such appeals looks strange and can only indicate the lack of working procedures for reporting in case of violation of the Law.)

3. *As about the processing of the Draft Law of Ukraine of February 17, 2023, registration No. 9028, “On Amending the Criminal Code of Ukraine and the Code of Ukraine on Administrative Offenses to Improve Liability for the Illegal Production, Manufacture, Acquisition, Storage, Transportation or Transfer of Narcotic Drugs, Psychotropic Substances or Their Analogues without Intent to Sell” (hereafter referred to as Draft Law No. 9028), the following response was provided: “According to information published on the official web portal of the Verkhovna Rada of Ukraine on February 17, 2023, Draft Law No. 9028 was submitted to the Parliament for consideration.”*

(**Comment:** An important change is the deletion of Article 309 (illegal production, manufacture, acquisition, storage, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without intent to sell) from the Criminal Code of Ukraine.)

## **Ministry of Social Policy of Ukraine**

The Ministry of Social Policy has provided the following information on measures to implement the recommendations of the UN human rights treaty bodies to Ukraine.

*On March 29-30, 2023, on the initiative of the Government Commissioner for Gender Policy and the Ministry of Social Policy, with the support of the Office of the Deputy Prime Minister of Ukraine for European and Euro-Atlantic Integration and UN Women, a strategic meeting “Towards Gender Equality: Taking into Account the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women” was held. The representatives of the central executive authorities, regional military administrations, and international and civil society organizations attended the event.*

The Ministry of Social Policy is the lead author of the Model Provisions on Shelter for Survivors of Domestic and/or Gender-Based Violence (hereafter referred to as the Provisions), approved by the Resolution of the Cabinet of Ministers of Ukraine dated August 22, 2018, No. 655 (as amended). The following information was provided regarding access to shelters for survivors of domestic and/or gender-based violence:

*1. People who use drugs and face domestic or gender-based violence can make use of all the services offered by the shelters. The Resolution of the Cabinet of Ministers of Ukraine of December 9, 2022, No. 1372 amended the relevant provisions taking into account the challenges of the full-scale aggression of the Russian Federation against Ukraine, in particular, extending the powers of specialized support services for citizens affected by domestic and/or gender-based violence (hereafter referred to as specialized services) to the provision of services to people affected by violence, including sexual violence, in the context of the armed conflict; recruiting volunteers for the provision of social and psychological services; ensuring the preparation of premises suitable for the accommodation and safe stay of injured persons and personnel; organizing inspections of heating systems, water supply of specialized support services, electricity supply, availability of necessary supplies of food, water, medicines, hygiene items, clothing, footwear, etc. during martial law or a state of emergency, the possibility of extending the stay of affected persons in shelters until the end of the state of emergency or martial law on the territory of Ukraine; the possibility of providing assistance to injured workers of specialized services at the worker’s location during the state of emergency or martial law; the monitoring and evaluation of the effectiveness of assistance provided to victims; the provision of a social service for victims to represent their interests together with other necessary assistance; the provision of social services by specialized services to internally displaced persons, citizens of other states and stateless persons.*

2. According to the National Social Service of Ukraine, as of 01.06.2023, 46 shelters are providing round-the-clock stay (up to 90 days), and 55 crisis rooms are providing round-the-clock stay (up to 10 days).

The following information was provided on the mechanisms for monitoring and controlling barrier-free access to shelters:

*In accordance with the State Social Program “Preventing and Combating Domestic and Gender-Based Violence for the Period up to 2025,” approved by the Decree of the Cabinet of Ministers of Ukraine dated February 24, 2021, No. 145, the Ministry of Social Policy monitors the implementation of the state policy in the field of combating domestic and gender-based violence every six months. Thanks to the monitoring, it was possible to determine the number of affected persons who received services, the categories of these persons, and the services provided to them.*

The following information was provided on educational events for shelters’ staff and planned activities:

1. *To improve the provision of services to affected persons, taking into account today’s challenges, the Ministry of Social Policy, together with the United Nations Population Fund, plans to train 3,038 employees of specialized services (shelters, day centers, counseling services, and mobile teams) from September 2023.*
2. *According to the Resolution of the Cabinet of Ministers of Ukraine of November 28, 2018, No. 997, “The Issue of Conducting Gender Legal Expertise” (as amended), when drafting legal acts, an author must observe the principle of equal rights and opportunities for women and men and comply with the requirements of the Instruction on the Integration of Gender Approaches in the Drafting of Legal Acts approved by the Ministry of Social Policy. The Instruction on the integration of gender aspects in the drafting of legal acts was approved by the Decree of the Ministry of Social Policy of 02.07.2020 No. 86, which was registered with the Ministry of Justice on November 27, 2020, under No. 211/34494.*

The following response was provided on supporting mothers who use drugs and enabling them to care for their children:

- 1. According to Article 164 of the Family Code of Ukraine, one of the grounds for deprivation of parental rights is chronic drug addiction of the child's mother or father. This fact must be confirmed by medical findings. Parental rights can only be deprived by a court order. The court may allow one-off, regular visits to the child if this is not detrimental to the child's life, health, and moral upbringing, provided that another person is present. When deciding on the deprivation of parental rights, the court considers information on the social support provision to the family (person) if such support has been provided. The court may decide to remove the child from the parents or one of them without depriving them of parental rights if keeping the child with them poses a threat to his or her life, health, and moral upbringing. In this case, the child is handed over to another parent, grandmother, grandfather, or other relative at their request or to the guardianship authority. A mother or father who has been deprived of parental rights has the right to apply to the court for the restoration of parental rights. The court shall examine to what extent the behavior of the person deprived of parental rights has changed and what circumstances form the basis for the deprivation of parental rights. The court decides the case in accordance with the interests of the child.*
  
- 2. The Plan of Priority Actions of the Government for 2023, approved by the Decree of the Cabinet of Ministers of Ukraine of March 14, 2023, No. 221-r, provides that the Ministry of Social Policy shall prepare and submit to the Cabinet of Ministers of Ukraine a draft law on amendments to certain laws of Ukraine on the introduction of specialization of judges and the creation of mechanisms to prevent delays in the consideration of civil cases for the protection of children's rights. This draft law is currently being prepared and will be submitted to the central executive authorities and interested bodies for approval shortly.*
  
- 3. In order to ensure the proper provision of social services to persons dependent on narcotic drugs or psychotropic substances, the State Standard of Social Services for Social and Psychological Rehabilitation of Persons Dependent on Narcotic Drugs or Psychotropic Substances was approved by Decree of the Ministry of Social Policy No. 677 of October 1, 2020, registered with the Ministry of Justice of Ukraine on December 4, 2020, under No. 1218/35501b.*

4. *In 2022, 3.433 people participated in training sessions for the provision of social services according to state standards, including under martial law, and 787 people in the first quarter of 2023. Since December 7, 2022, an online training platform for social education has been in operation, established by the Ministry of Social Policy in cooperation with the Support Ukraine's Reforms for Governance (SURGe) project, offering e-learning courses, research, webinars, information and methodological materials on social issues. The platform is the first state online platform in Ukraine for systematic training of representatives of local governments, social services, and organizations working in the social sphere on the issues of protecting and ensuring the rights of the child, conducting social work in society, and organizing social services. As of 06/01/2023, more than 1,500 users are registered on the platform.*

## **PART 6. CONCLUSIONS**

Ukraine still has one of the most repressive drug policies in Europe, accompanied by high levels of corruption and human rights violations. Despite the advocacy efforts of activists, the only changes in the table of quantity thresholds “Small, Large, and Especially Large Quantities of Narcotic Drugs in Illicit Trafficking” in the period from 2015 to 2021 are the addition of new types of psychoactive substances.

Moreover, in 2020, the penalty under Article 309 of the Criminal Code of Ukraine (illegal production, manufacture, acquisition, storage, transportation, or transfer of narcotic drugs, psychotropic substances, or their analogues without intent to sell) was increased. According to this article, the punishment is now determined by a fine from one to three thousand tax-free minimum incomes of citizens (from 430 euros to 1297 euros), previously – from fifty to one hundred tax-free minimum incomes of citizens (from 22 euros to 44 euros), or imprisonment for up to five years, previously up to three years.

Ukraine has committed itself to achieving the global goals defined in the UN recommendations. To achieve these goals, it is necessary to change drug policies, decriminalize drug use and ensure access to adequate treatment and support programmes for people who use drugs. In 2021, there were 29,587 drug-related crimes. In 2021, the total number of persons sentenced under Art. 305-320 of the Criminal Code of Ukraine amounted to 8,737 persons, of which 953 persons received a

custodial restraint. 7,145 (81.8%) persons were sentenced under Article 309, “Illegal production, manufacture, acquisition, storage, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without intent to sell.” At the same time, 585 people (6.7%) were sentenced for the illegal manufacture, acquisition, storage, transportation, transfer, or sale of narcotic drugs, psychotropic substances, or their analogues (Article 307).<sup>60</sup> In 2022, 7,948 people were sentenced, 828 of whom received a custodial sentence.<sup>61</sup> Statistics like these show that police efforts are now more focused on prosecuting people who use drugs and do not intend to sell them. Therefore, Draft Law No. 9028 to abolish Article 309 of the Criminal Code of Ukraine must be adopted without delay.

The work of the police often negatively impacts access to harm reduction services for people who use drugs. Harm reduction programmes are mainly implemented through outreach models in places where people who use drugs congregate: near pharmacies, pawn shops, OAT sites, etc. Such programmes often employ people from the community, because peer counseling is one of the most effective approaches to achieving the goals.

At the same time, police officers may overstep their authority by arresting social workers from harm reduction programmes and scaring away potential clients on outreach routes. For example, such a situation occurred in 2021 on one of the outreach routes of the harm reduction programme in the city of Kyiv. The police beat up a social worker who is a representative of the community of people who use psychoactive substances and a patient of the OAT programme. He was rudely detained right on the outreach route. The police officers did not introduce themselves and show their papers when the social worker asked them to. They then took him to the police station, where they mocked him, broke his phone, insulted him, shouted at him, and beat him so that he could not see the police officers’ faces.

The human rights activists reacted promptly and immediately came to the police station. At first, the police denied that the social worker had been arrested and was staying with them. But then the human rights activists from the organizations NGO *Club “Eney”* and CO *VOLNA* managed to free him by acting in a legally correct manner. The social worker was helped to record the beatings and

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<sup>60</sup> <https://cmhmda.org.ua/wp-content/uploads/2023/01/zvit-shhodo-narkotychnoyi-ta-alkogolnoyi-sytuacziyi-v-ukrayini-2022.pdf>

<sup>61</sup> [https://court.gov.ua/inshe/sudova\\_statystyka/zvitnist\\_21](https://court.gov.ua/inshe/sudova_statystyka/zvitnist_21)



to write and submit a complaint against the unlawful actions of the police. As a result, one of the police officers was fired, and the others were sanctioned by their superiors.<sup>62</sup>

### **The Ministry of Health of Ukraine was aware of the recommendations of the UN human rights treaty bodies**

One can note the active participation of civil society representatives, including organizations of key populations, in the activities of the working groups of the Ministry of Health for the development and implementation of State Strategies on Drug Policy. Improved regulations and standardization of health services facilitate the quality monitoring of services, such as harm reduction programmes, including OAT. The Ministry of Health is also making many efforts to combat discrimination by involving representatives of key populations in the development and implementation of Strategies and relevant activities. For example, OAT programmes have been introduced and expanded in the institutions of the State Penitentiary Service of Ukraine. As for the recommendations of the UN treaty bodies, the Ukrainian Ministry of Health is actively involved in their implementation.

### **The Ministry of Internal Affairs of Ukraine was not aware of the recommendations of the UN human rights treaty bodies**

The Department for Combating Drug-Related Crimes of the National Police of Ukraine and the Juvenile Prevention Department of the National Police of Ukraine are mainly engaged in raising public awareness of the health risks associated with drug use. Despite the development and implementation of prevention programmes together with representatives of civil society, prevention of drug dependence in Ukraine today focuses more on activities in educational institutions that inform about drug-related crimes and the negative aspects of drug use.

The Department's prevention materials and publications on its official resources are often intimidating.<sup>63</sup> The Ministry has no data on complaints from people who use drugs and face discrimination, although organizations of key populations record such cases.<sup>64</sup> The draft State

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<https://www.facebook.com/EneyClub/posts/pfbid02nNCsY2FhnPJzpdSEHif9aFsBzZgNQta4hA4a6VXG-Cs7kSJxqysgc6MH8szNyYJGjl>

63 <https://www.facebook.com/DBN.NP>

64 <https://www.helsinki.org.ua/articles/pereselentsiv-ne-pustyly-do-prykhystka-cherez-sotsialnyy-status-yak-iurysty-boriutsia-z-dyskryminatsiieu/>

Strategy on Drug Policy for the period up to 2030 provides for “the introduction of a system for the early detection of illicit use of narcotic drugs, psychotropic substances or their analogues, especially among adolescents and young people, as a means of preventing the development of dependence and providing effective medical care for persons with mental and behavioral disorders due to the use of narcotic drugs, psychotropic substances or their analogues,” which risks introducing measures that violate human rights, such as forced drug testing in the country’s educational institutions.

When it comes to implementing the recommendations of the UN human rights treaty bodies, the Ukrainian Ministry of Internal Affairs generally does not have enough information. Moreover, it does not make sufficient efforts to implement them.

### **The Ministry of Social Policy of Ukraine was aware of the recommendations of the UN human rights treaty bodies**

The Ministry of Social Policy has organized a translation of the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women (CEDAW) and published them on its website on December 21, 2022, in the “Gender Policy” section. By letter No. 13252/0/2-22 dated December 11, 2022, the Committee’s concluding observations were sent to the ministries, departments, central executive authorities, and social partners for review, dissemination, and consideration within the scope of their competence in the preparation of normative legal acts within the scope of the Convention, local community development strategies, economic and social development programmes, and employment programmes, etc.

One important positive outcome is the introduction of changes in 2022 to the Model Provisions on Shelters for Survivors of Domestic and/or Gender-Based Violence, removing access restrictions for women who use drugs and are exposed to violence.<sup>65</sup> As about supporting mothers who use drugs and enabling them to care for their children, the recommendations of the UN human rights treaty bodies have not been implemented. According to Article 164 of the Ukrainian Family Code, one of the grounds for deprivation of parental rights is chronic drug addiction of the child’s mother or father, although such a diagnosis is outdated. The grounds for deprivation of parental rights

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<sup>65</sup> <https://zakon.rada.gov.ua/laws/show/1372-2022-%D0%BF#Text>

should be factors that affect the health and safety of the children and not the health status of their parents.

Cases of deprivation of parental rights due to experience of using psychoactive substances are not uncommon today. Oksana, originally from Kriviy Rig, is just on the path to defending her rights to be a mother and raise her daughter on her own. Her story of struggle with the judicial system and social services has already lasted more than a year. Oksana lived with her husband. Both of them were participants of the OAT programme. However, when the child's father died, the grandparents decided to take their only granddaughter away from the mother and take custody of the child. First, her husband's parents evicted Oksana from the apartment. Then they reported to the social services that "the girl's mother is a drug addict," which meant that "she should be deprived of her maternal rights, and the child handed over to the grandparents." At this stage, Oksana turned to the VONA organization because the lawyers refused to work with her.<sup>66</sup>

Experience with drug use can also be a limiting factor for adoption. In spring 2019, Maria and Konstantin, who have been married for more than 15 years, decided to adopt a child. They have a three-room apartment where they live together with their 11-year-old child. Both are officially employed (Maria is the office manager of a civil society organization, and Konstantin is a subway driver). The couple collected necessary documents and applied for registration as candidates for adoptive parents at the children's service in their place of residence. A few days later, they received a written rejection because Maria had been a client of the OAT programme for seven years.<sup>67</sup>

The Ministry of Social Policy monitors the implementation of government policy in the area of combating domestic and gender-based violence every six months. At the same time, this monitoring focuses on quantitative indicators for services and not on qualitative indicators; there is no separate focus on people who use drugs. In the area of employment, there are also no specialized programmes and activities aimed at the inclusion of people who use drugs, as recommended by the UN human rights treaty bodies.

The state *Standard of Social Services for Social and Psychological Rehabilitation of Persons Dependent on Narcotic Drugs or Psychotropic Substances* is an important mechanism for protecting the rights of people who use drugs in rehabilitation programmes. The Ministry has

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<sup>66</sup> <https://www.unwud.org/novosti/istoriaborotby-ta-vidstoiuvannia-materynskykh-prav/>

<sup>67</sup> <https://jurfem.com.ua/wp-content/uploads/2019/12/Jurfem-pravova-dopomoga-zhinkam-z-vrazlyvyh-grup.pdf>

developed and actively implements training programmes for the delivery of social services according to state standards, including under martial law, which is a critical element for the quality of social service provision.

## **PART 7. CONCLUDING REMARKS AND RECOMMENDATIONS**

After analyzing the responses of the relevant Ministries, we can conclude that only two of them – the Ministry of Health and the Ministry of Social Policy – were aware of the existing recommendations of the UN human rights treaty bodies and were able to implement them partially.

The Ministry of Health and the Ministry of Social Policy are willing to cooperate and involve representatives of the community of people who use drugs to jointly plan and implement activities to humanize drug policy. The Ministry of Internal Affairs focuses more on the fight against drugs, which inevitably leads to a fight against people who use drugs.

### **As part of the analysis of the situation, the following measures must be taken to implement the recommendations of the UN human rights treaty bodies to Ukraine:**

- Continue cooperation between civil society, including the community of people who use drugs, with the Ministry of Health and the Ministry of Social Policy. Create a monitoring system to track and respond to cases of violations of the rights of people who use drugs.
- Engage in a dialog with the Ministry of Internal Affairs using examples of successful practices of humane drug policies in the EECA region and involving influential stakeholders. Create a monitoring system to track and respond to cases of violations of the rights of people who use drugs.
- Adopt the State Strategy on Drug Policy for the period up to 2030 with the mandatory inclusion of all proposals from the community of people who use drugs.
- Review the content of programmes to raise awareness of the serious health risks associated with drug use. Prevention should be informative, evidence-based, and without scaremongering.
- Consider developing a social advertising campaign for people who use drugs about the unacceptability of discrimination against them, providing information about resources for seeking help.

- Develop a mechanism to monitor compliance with the *State Standard of Social and Psychological Rehabilitation* with the involvement of representatives of the community of people who use drugs.
- Consider the possibility of introducing new medications to OAT programmes, including medical heroin.
- Design and conduct a study on the effectiveness of drug treatment in the OAT format for people who use new psychoactive substances and stimulants.
- Continue to provide funding for the proper functioning of OAT and harm reduction programmes in prisons.
- Abolish Article 309 of the Criminal Code of Ukraine to decriminalize possession of drugs without intent to sell. Adopt Draft Law No. 9028 “On Amending the Criminal Code of Ukraine and the Code on Administrative Offenses to Improve Liability for Illegal Production, Manufacture, Acquisition, Storage, Transportation or Transfer of Narcotic Drugs, Psychotropic Substances or their Analogues without Intent to Sell.”
- Amend Article 164 of the Family Code of Ukraine – delete the clause on chronic drug addiction of a child’s mother or father as a ground for deprivation of parental rights.
- Include a session on tolerance and non-discrimination of people who use drugs in planned training programmes for judges.
- Link the reform of Ukrainian drug laws, including the decriminalization of drug use and possession without intent to sell, to the process of Ukraine’s accession to the EU.