***Information provided by the Ministry of Justice of Ukraine in response***

***to the Questionnaire of the Special Rapporteur***

***on the rights of indigenous peoples***

***I. Indigenous justice systems and coordination with the ordinary justice system***

Ukraine has no special law on status of indigenous peoples. According to Article 21 of the Constitution of Ukraine all people are free and equal in their dignity and rights. Rights and freedoms are inalienable and inviolable.

Justice in Ukraine is carried out on the basis of equality before the law of all participants in the trial process and the court regardless of race, color, political, religious and other beliefs, sex, ethnic and social origin, property status, residence, language and other grounds.

Detailed information on the legislation regarding justice system is given below.

***II. Indigenous peoples in the ordinary justice system***

***Regarding paragraphs 10, 13, 16 of the Questionnaire***

*Access to the justice system*

According to part three of Article 7 of the Law of Ukraine On the Judiciary and Status of Judges, the availability of justice for each person is ensured in accordance with the Constitution of Ukraine and in conformity with the procedure established by the laws of Ukraine.

According to Article 9 of the above-mentioned Law justice in Ukraine is carried out on the basis of equality of all participants in the trial process before the law and the court regardless of race, color, political, religious and other beliefs, sex, ethnic and social origin, property status, residence, language and other grounds.

The court creates such conditions in which each participant in the trial is guaranteed equality in the exercise of the procedural rights granted and in the performance of procedural obligations determined by the procedural law.

In accordance with Article 6 of the Civil Procedure Code of Ukraine, Article 7 of the Commercial Procedure Code of Ukraine, Article 10 of the Criminal Procedure Code of Ukraine the court is obliged to respect the honor and dignity of all participants in the civil process and to administer justice on the basis of their equality before the law and the court regardless of race, color, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic and other characteristics.

*Alternative methods of punishment*

Article 51 of the Criminal Code of Ukraine stipulates the types of punishment. Sentencing in each case and in respect of each defendant who is found guilty of a crime is carried out in compliance with the requirements of Article 65 of this Code regarding the general principles of sentencing. When imposing a sentence, the court takes into account the seriousness of the offence, information about the guilty person, circumstances that mitigate or aggravate the punishment.

***Regarding paragraph 11 of the Questionnaire***

*Provision of legal aid*

It should be noted that Article 10 of the Law of Ukraine On the Judiciary and Status of Judges stipulates that everyone has the right to a professional legal aid. Everyone is free to choose the advocate and the person who provides legal aid.

Also, provisions regarding the rights of participants to a fair trial are contained in Article 15 of the Civil Procedure Code of Ukraine, Article 16 of the Commercial Procedure Code of Ukraine and Article 16 of the Criminal Procedure Code of Ukraine.

Article 20 of the Criminal Procedure Code of Ukraine establishes that the suspect, the accused, the acquitted, and the convicted have the right to protection, which, in particular, enables them to use legal assistance of a counsel, as well as to exercise other procedural rights provided for by this Code.

In cases envisaged by this Code and/or the law regulating the provision of free legal aid for the suspect or accused, legal aid is provided free of charge at the expense of the state.

***Regarding paragraph 12 of the Questionnaire***

*Language of proceedings*

According to Article 12 of the Law of Ukraine On the Judiciary and Status of Judges, court proceedings and legal matters in the courts of Ukraine are conducted in the state language.

Courts ensure equality of rights of citizens in court proceedings on a linguistic basis. Courts use the state language in the process of legal proceedings and guarantee the right of citizens to use in the trial their mother tongue or the language they know.

In accordance with the provisions of Articles 9, 10 of the Civil Procedural Code of Ukraine, Article 15 of the Code of Administrative Legal Proceedings of Ukraine, Article 29 of the Criminal Procedure Code of Ukraine, litigants who do not know the state language or do not have a sufficient command thereof have the right to make statements, provide explanations, speak in court and apply in their mother tongue or language they know, using the services of an interpreter, in accordance with the procedure established by this Code.

A person is informed about suspicion of committing a criminal offense in the state language or in any other language that the person possesses sufficiently to understand the nature of the suspicion of committing a criminal offense.

***Regarding paragraphs 14, 15 of the Questionnaire***

*Detention of indigenous peoples*

Penitentiary institutions and investigative isolation units do not record individuals on the basis of their affiliation to indigenous peoples.

*Respect of cultural and religious practices of indigenous peoples in places of detention.*

Articles 128 and 128-1 of the Criminal-Executive Code of Ukraine regulate the issues of worship and religious rites, as well as the organization of pastoral care for prisoners in the colonies.

Divine services and religious ceremonies in the colonies are carried out at the request of the convicted persons or at the request of a religious organization during non-working hours. The administration of the colony contributes to the invitation of clergy, participates in determining the place, time and other conditions for worship, rite or ceremony, and does not have to show its attitude to a particular religion or denomination.

*Culturally adequate health services in places of detention*

Health workers treat each patient in prison, during the provision of medical care, without bias, regardless of his/her race, color, political preferences, or gender identity.

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