



Strasbourg, 28 March 2013

Public  
GVT/COM/III(2013)001

**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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**COMMENTS OF THE GOVERNMENT OF UKRAINE  
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
BY UKRAINE**

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(received on 28 March 2013)

**Comments on the Third Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Ukraine**

The authorities of Ukraine analyzed the third opinion on Ukraine (hereinafter - Opinion) of the Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter - AC), prepared due to the results of the consideration of the Third state report on implementation of the mentioned Convention by Ukraine and the visit of the experts of AC to our country (from 23 to 27 January 2012) within the appropriate monitoring cycle and approved on March 22, 2012.

In the opinion AC noted that Ukraine has continued to follow a constructive approach to the Framework Convention and the monitoring process. Analyzing the situation in Ukraine, the Advisory Committee noted progress on a number of issues during the second monitoring cycle. This indicates that our state made a constructive approach to the implementation of the Framework Convention for the Protection of National Minorities.

In Ukraine, according to the legislation and internationally recognized norms and standards the central executive authorities and other agencies are implementing appropriate measures to ensure the rights and fundamental freedoms of citizens of Ukraine.

The authorities of Ukraine are open for a dialogue with AC and highly appreciate the advisory help provided by experts of AC through preparation of relevant observations and recommendations.

However, the authorities of Ukraine consider it necessary to provide the following comments on some observations and recommendations of the AC, expressed in Opinion on Ukraine.

**Article 6**

Ministry of Culture of Ukraine provided the official language translation of the Opinion.

In order to provide maximal public awareness on the Opinion it will be posted on the official Internet site of the Ministry of Culture of Ukraine ([www.mincult.kmu.gov.ua](http://www.mincult.kmu.gov.ua)).

**Articles 11, 25, 27, 35, 37, 161**

In order to bring the legal framework in the field of interethnic relations in accordance with the Constitution of Ukraine, the relevant international documents, enacted in the prescribed manner, as well as to regulate the relations between the state and ethnic communities living in Ukraine, to create necessary conditions for their equal social political and cultural development the Ministry of Culture developed the Draft Law of Ukraine "On State Ethnic Policy of Ukraine", which was approved by the Cabinet of Ministers of Ukraine on February 29, 2012. The Draft Law is currently being considered in the prescribed manner in the relevant committees of the Verkhovna Rada of Ukraine (Reg. № 10152-1 of 12.3.2012).

According to the Regulations of the Ministry of Culture of Ukraine, approved by the Decree of the President of Ukraine from April 6, 2011 № 388/2011, Ministry of Culture is a specially authorized central executive body in the field of interethnic

relations, religion and the protection of the national minorities' rights in Ukraine. The task for the formation and implementation of state policy in the field of interethnic relations and the protection of national minorities of Ukraine was assigned to the department for national minorities of Ukraine and the Ukrainian Diaspora (staffing level – 5 persons) of the Department of Religious Affairs and Nationalities.

Pursuant to the orders of higher governance of Ukraine the issue on strengthening appropriate organizational and human resources provision of the department of the Ministry of Culture is worked out, which provides implementation of state policy in the field of interethnic relations, religion and the protection of national minorities' rights in Ukraine.

In the regions the tasks of the implementation of state policy in the field of interethnic relations, the promotion of the consolidation of the Ukrainian nation and the preservation and development of ethnic identity of national communities as well as the enforcement of the legislation on national minorities' rights are exercised by the respective units of local government authorities.

**Articles 12, 31, 55, 56, 162**

State Statistics Service of Ukraine considers it to be irrational to determine the quantity of persons who belong to the national minorities and the level of their living based on existing population sample surveys (households) conducted by the state statistics bodies on a regular basis.

According to international requirements sample households for these statistical observations, as a rule, have to provide sufficient reliability of key indicators assessments at the country and regional level. The dimensions of present sample surveys of the population (households) are: for the survey of households - 13 thousand households per year, the economic activity of the population - 16.6 thousand households per month and examination of agricultural activities in rural areas - 29 thousand households per year. Each household of Ukraine has equal probability to get into the sample of these surveys, so numerically small group of households will have practically zero chance to get to the sample or will be presented in multiple units, which in its turn make it impossible to obtain accurate and reliable results.

To ensure a sufficient reliability level of assessment indicators of national minorities' living conditions sample size should be enhanced to a level comparable with the general population of Ukraine, which can be provided only by census.

As in accordance with international requirements the sample is made according to the goals of the specific survey, we believe that studying of the above phenomena should be based on administrative data on registration of persons who belong to the national minorities or by conducting separate target thematic surveys among such groups of population, that is extremely difficult in condition of the limited budget financing in the case of the introduction of new target population surveys by state statistics bodies.

The conduction of the last mentioned surveys requires significant additional costs from the state budget to strengthen the institutional capacity of the State Statistics Service of Ukraine in the part of financial, human, technical and other resources.

Significant organizational and methodological problem in the part of using sample surveys of the population (households) permanently conducted by state statistics bodies to determine the number of persons who belong to the national minorities and their level of living, is also the lack of bases (including, for example, the full list of addresses of national minorities' representatives) to make the required sample.

According to the mentioned it is appropriate to carry out separate sociological researches on this subject, involving scientific organizations, sociological institutions, international aid funds or the subject of the account administration of such people should be considered. This approach will help to take more fully into account the demands while formulating survey programs according to the objectives of the study, which in terms of national population sample surveys (households), that are focused on the study of a range of issues, is not possible.

It should also be mentioned that in European surveys EU-SILS, HBS, which were harmonized, for example, with state selective survey of households life level, the design of data based on nationality is not provided.

**Articles 13, 121, 123, 150, 169**

The Ministry of Education and Science, Youth and Sports of Ukraine cannot accept the fact that "Roma faces constant inequality in a number of areas, such as education...". Experts of AC were given detailed information on the measures taken by the education authorities to involve Roma children into education, aid them in mastering the curriculum, strengthening the material base of educational institutions where they study.

The Ministry of Education and Science, Youth and Sports, education authorities namely of the Transcarpathian and Odessa regions, predominantly inhabited by Roma, teaching staff of secondary schools make efforts to the account of Roma children, to the ensuring of their education and social inclusion, improving the material base of schools where these children study. Conditions to provide Roma children equal access to quality education are created in schools.

In 2004 the Ministry of Education and Science, Youth and Sports first approved the program in Roma language and literature for 5-11 grades of secondary schools, and in 2011 - for 1-4 grades, in 2012 - a new program for 5-11 grades.

The Ministry of Education and Science, Youth and Sports, education authorities constantly keep an eye on the problems of education of Roma children; cooperate with Roma public organizations in solving them.

It should be noted that during 2008-2012 and January-August 2012 there was reported no complaints of parents to the Ministry regarding inequality of Roma in education sphere. The representatives of Roma public organizations in the Public Council of Heads of educational programs of nationwide associations of national minorities in Ukraine did not raise this issue either.

**Articles 14, 36, 38, 49, 50, 52, 146, 148, 151, 161**

The Ministry of Social Policy of Ukraine in accordance with the Regulations, approved by Decree of the President of Ukraine from 6 April of 2011 №389, takes measures to the reception, settlement and adaptation of deported due to ethnic grounds persons who returned to Ukraine, studies and analyzes their problems,

develops measures for cultural and language development of this category of people.

The urgent problems of deported people are solving in accordance with:

- the Decree of Cabinet of Ministers of Ukraine on 17 December 2003 № 1952 "On Approval of the Procedure of providing the deportees and their families who have returned to Ukraine, with housing, built or acquired through the budget";
- the Decree of Cabinet of Ministers of Ukraine on 13 May 2004 № 626 "On measures to meet the social needs of the deported Crimean Tatars and other nationalities, who returned to Ukraine for permanent residence";
- the Decree of Cabinet of Ministers of Ukraine on June 6, 2012 № 514 "On the extension of the Program of settling and resettlement of the deported Crimean Tatars and peoples of other nationalities, who returned to Ukraine to reside, their adaptation and integration into Ukrainian society until 2010" to 2015 (hereinafter - the Program).

The Program is aimed at solving social and economic problems associated with returning of deported Crimean Tatars and persons of other nationalities to the historical homeland.

Every year the State Budget of Ukraine provides funds for the implementation of measures for settling and resettlement of repatriates.

In 2012 it is planned to get 25.0 million UAH for the implementation of these measures from the State Budget of Ukraine, including capital construction - 21.711 million UAH, socio-cultural activities - 3.289 million UAH.

By 15 August of 2012 these mentioned items have already been financed with 5393.4 thousand UAH.

Funds are directed to the construction of housing for the deportees, the construction of water pipelines, gas pipelines, electricity networks in their places of compact residence, as well as the socio-cultural measures aimed at adaptation and integration of repatriates into Ukrainian society, in particular on:

- the payment of compensation costs for relocation and transportation of baggage;
- the payment of a one-time financial assistance to complete the construction of housing for deported people and their families who have returned to Ukraine;
- the financial support of newspapers published in Crimean Tatar language;
- other social and cultural activities, including the activities for the date of deportation.

In addition, in order to provide the legal framework for the repatriation process members of parliament Mr. Dzhemilev M. and Mr. Taran V. developed the Draft Law of Ukraine "On the restoration of the rights of people deported on ethnic grounds" (registration number 5515, revised) aimed to provide the process of repatriation. The bill proposes to establish state guarantees to restore the rights of

deportees and to define the powers of state authorities, local self-government to protect these rights.

On June 20, 2012 the bill was considered and adopted as a basis at the plenary session of the Verkhovna Rada of Ukraine.

By August 14, 2012 the mentioned draft Law of Ukraine is being finalized by the Committee of the Verkhovna Rada of Ukraine on Human Rights, National Minorities and Interethnic Relations in preparation for the second reading.

**Articles 15, 39, 40, 44, 164**

The Law “On the principles of prevention and combating discrimination in Ukraine” № 5207-VI was adopted by the Verkhovna Rada of Ukraine on September 6, 2012.

The Law was developed to fulfill the tasks envisaged by the Action Plan for liberalization of the EU visa regime for Ukraine, which was approved at the Ukraine - European Union Summit (November 22, 2010, Brussels, Belgium), and article 5 of Protocol № 8 from March 15, 2012 of the meeting of the Coordination Center of the Action Plan for liberalization of EU visa regime for Ukraine.

The purpose of the Law is to establish the principles of prevention and combating discrimination in Ukraine, the legal definition of institutional and legal framework for preventing and combating discrimination in Ukraine in order to ensure equal opportunities for exercising the rights and freedoms of man and citizen.

This goal is suggested to be achieved by the proposing of the definition of discrimination and its basic forms, the introduction of the principle of non-discrimination in the legislation of Ukraine; prohibit simultaneous determination of actions that are not considered as discrimination, identifying the entities that have the power to prevent and combat discrimination, including granting of the Human Rights Commissioner of Verkhovna Rada of Ukraine with additional powers to prevent and combat discrimination, the introduction of anti-discrimination expertise, including mandatory one for draft laws of Ukraine, acts of the President of Ukraine and other regulations being developed by the Cabinet of Ministers of Ukraine, ministries and other central and local authorities.

**Article 16**

Information that sometimes is publicized in the media, including the Internet, on illegal actions of police officers on some minority groups does not correspond to reality or is distorted in general.

In the system of the Ministry of Internal Affairs of Ukraine the appropriate mechanism of the consideration of citizens’ appeals is set in accordance with the requirements of regulations.

Responsibility for timely and qualitative assessment of the appeals is relied on unit managers.

In order to prevent violations of citizens’ rights by the members of law enforcement agencies the leadership of the Ministry of Internal Affairs and its territorial bodies take measures to improve their professional skills, mastery of modern techniques of crime detection, organization of personnel is improved due to the intensification of training, extensive application of trainings, combining theoretical statements with practice of law enforcement activity.

For the implementation of the Plan of Action of the liberalization of EU visa regime for Ukraine, approved on May 11, 2011 at the meeting of the Cabinet of Ministers of Ukraine, the Ministry of Internal Affairs together with educational institutions developed a program for education and training of people engaged in the investigation of crimes committed on racial intolerance grounds.

In addition, measures are taken and forms of control are introduced over the legality of actions of personnel at all levels of the system of internal affairs of Ukraine, a more effective cooperation is provided with regional media to create positive public opinion about the activity of bodies of internal affairs, complete, objective and timely information of the population about taken measures aimed at strengthening the protection of citizens, including representatives of national minorities from crime, ensuring public safety and order.

Official investigations are conducted for each fact of violation of rights and freedoms of national minorities by the police officers, by the results of which guilty perpetrators are brought to statutory liability.

**Articles 17, 24, 57-62, 137**

In order to preserve and develop the ethnic identity of national minorities of Ukraine the Ministry of Culture provides financial support to measures aimed at satisfying cultural, linguistic, and informational needs of national minorities.

Financial assistance is provided within the budget program 1801260 "Measures of reproduction of culture of national minorities, events of the Ukrainian World Coordinating Council, measures to implement the European Charter for Regional or Minority Languages, measures to establish cultural ties with the Ukrainian Diaspora, measures to strengthen ties between foreign Ukrainians and Ukraine and the support of international activities in the field of interethnic relations" and 1801300 "Financial support of periodicals of cultural studies, newspapers in national minority languages, the financial support of domestic touring performers."

In 2012, the mentioned budget programs include the following provisions:

- for the measures for the reproduction of culture of national minorities - 1 million UAH;
- for the activities of the European Charter for Regional or Minority Languages - 1 million 007 thousand UAH.
- for the financial support of 6 newspapers in national minority languages, co-founder which is the Ministry of Culture - 1 million 344 thousand 500 UAH.

Unfortunately, due to the spread of requirements of the Resolution of the Cabinet of Ministers of Ukraine dated October 12, 2011 № 1049 "On approval of the Procedure of conducting the competition to determine the programs (projects, activities), developed by public organizations and creative unions, for execution (implementation) of which financial support is provided " on nationwide public organizations of national minorities in the first and second quarters of 2012 no

measure was financed under the budget program 1801260 due to the time of preparation of financial documents and the Competition in accordance with the requirements of this resolution.

In September - October 2012 according to the stream «Measures for the reproduction of culture of national minorities" of the mentioned budget program the following activities were realized:

- International Theatre Festival "Wandering Stars", dedicated to the name of the classic of Jewish literature Shalom Aleichem;
- The festival of national cultures "All we are your children, Ukraine!", in which there were:
  - All-Ukrainian art exhibition of ethnos of Ukraine "Autumn colors"
  - Readings of poets of national minorities of Ukraine "Poetic Diversity"
  - Gala concert of artists and ensembles of ethnos of Ukraine "All we are your children, Ukraine."

In III and IV quarters of 2012 by Decision № 1 dated 30.05.2012 and the Decision № 2 dated 04.07.2012 of Competition Commission on review of the competition propositions and the monitoring of cultural and art programs (realization of projects, measures), developed by public organizations and creative unions having nationwide status for execution (implementation) of which financial support is provided from the state budget in 2012, the financial support from the Ministry of Culture will be provided for next projects, which aim to satisfy the cultural, linguistic, and informational needs of national minorities:

- Organizing the days of national languages and cultures during the sixth International Contest- Festival of children art "We are all your children, Ukraine!";
- publication of Yiddish-Ukrainian dictionary for 70 thousand words;
- publication of newspaper «Deutsche Zentrale Zeitung / CC Deutsche Zeitung";
- publication of newspaper "Elinas of Ukraine."

The Ministry of Culture submitted a proposal for amendments to the Resolution of Cabinet of Ministers of Ukraine dated October 12, 2011 № 1049 "On approval of the Procedure of conducting the competition to determine the programs (projects, activities), developed by public organizations and creative unions, for execution (implementation) of which financial support is provided" to spread the requirements of the decision to all public organizations of national minorities (not just with a nationwide status).

Regional programs of implementation of state policy in the field of interethnic relations and support of national minorities` cultures development are implemented



by regional state authorities to create appropriate conditions for satisfying national and cultural needs of ethnic communities.

In order to improve the communication system of the government with the public and the support of consideration of the public opinion in decision-making in March 2012 the Public Council was created under the Ministry of Culture, and was composed of 83 representatives of civil society institutions, including 11 representatives of national minorities' organizations. The Commission on interethnic relations and the protection of national minorities in Ukraine and the Commission on Religions were formed as part of the Public Council. Moreover, representatives of national minorities' public organizations usually are parts of public councils that operate at regional state administrations.

**Articles 19, 35, 98-107**

According to Article 92 of the Constitution of Ukraine the application of languages in Ukraine is defined only by laws of Ukraine.

The Verkhovna Rada of Ukraine adopted the Law of Ukraine "On the Principles of State Language Policy" № 5029-VI (hereinafter - the Law) on August 3, 2012.

The Law determines the principles, tasks, aims and principles of state policy of Ukraine, the status and range of using languages in different fields of state and public life.

The second part of Article 7 of the Law stipulates that measures aimed at the use of regional or minority languages provided in this Act are common for Armenian, Roma, Krymchatsky and Karaim languages, except those that are provided in Article 2 of the Law of Ukraine "On Ratification of the European Charter for Regional or Minority Languages".

On the territory where the regional or minority language is spread, such languages can be used in the work, records and documents of the local authorities and local governments in the adoption and publication of the official acts of these bodies; the state guarantees to provide services in regional or minority languages for the visitors of the state and local governments according to the Law. People who use a regional language (s) have the right to submit oral or written applications and receive answers given in regional or minority language (Article 10 and 11).

In particular the Law provides that:

citizens of Ukraine are guaranteed the right to receive education in the official language and regional or minority languages. This right is ensured through a network of preschool institutions, schools, after-school, vocational and higher state and municipal schools with Ukrainian or other languages of instruction, that are created according to the needs of citizens under the law of Ukraine on Education (the second part of Article 20);

TV and radio companies of Ukraine may broadcast in the state language, regional and minority languages, languages of international communication and other languages - both one and several languages for their own discretion. Volumes of national, regional and local broadcasting in official language, regional or minority languages must meet the size of language groups and are defined by the broadcasters themselves(the third part of Article 24);

on the territory where the regional or minority language is spread, alongside with the state language name there appears its match in these regional or minority languages (the first part of Article 27);

every citizen of Ukraine has the right to use his name and surname (patronymic) in native language in accordance with the traditions of the language, and the right of their official recognition. The record of name and surname (patronymic) in passports and other official documents is made with the prior approval of the owner (third and fourth parts of Article 28 of the Law).

Also, we can note that the President of Ukraine asked the Prime Minister of Ukraine to form a working group with the participation of the public, well-known figures in the field of education, science and arts, leading experts on language issues for the development and introduction system proposals to improve legislation on the order of using languages in Ukraine in the purpose of improvement of the legal use of languages in Ukraine, providing comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine, the guarantee of free development, using and protecting of all native languages of citizens of Ukraine, fulfilling commitments undertaken by international agreements of Ukraine on these issues, further implementation of the European standards in this area.

The development of the State program of comprehensive development and functioning of the Ukrainian language continues from 13 August of 2012, according to the orders of the President of Ukraine.

According to Article 6 of the Law of Ukraine "On National Minorities in Ukraine" dated June 25 of 1992 № 2494-XII state guarantees to all national minorities the rights to national and cultural autonomy: the use and study of their native language or learning of their mother tongue in public schools through national cultural societies, the development of national cultural traditions, the use of national symbols, celebration of national holidays, exercising their religion, satisfying the needs on literature, art, media, establishment of national cultural and educational institutions, and any other activity that complies with the legislation to all national minorities. The State provides organizational and financial assistance for carrying out language and educational activities of national minority organizations, as well as support in the publication of books and printed media that are issued in languages, which are subject to the Law of Ukraine "On Ratification of the European Charter for Regional or Minority Languages." Providing of such assistance is possible due to the foresight in the State Budget of Ukraine for 2012 certain expenditures under the program 1801260 "Measures of reproduction of national minorities` culture, events of the Ukrainian World Coordinating Council, measures to implement the European Charter on Regional or Minority Languages, measures to establish cultural ties with the Ukrainian Diaspora, measures to strengthen ties between foreign Ukrainians and Ukraine and the support of international activities in the field of interethnic relations. " However, the intensity of use of minority languages in public life depends primarily on public participation of representatives of language minorities which are guaranteed equal

rights and freedoms and equality before the law as citizens of Ukraine by the Constitution of Ukraine, in accordance with Article 24.

**Article 20, 111-113**

An issue of naming (renaming) of streets, alleys, avenues, squares, parks, bridges and other structures located on the territory of the settlement belongs to the powers of local governments under the provisions of paragraph 1 of Article 38 of the Law of Ukraine "On Local Self-Government in Ukraine" dated 21 May of 1997 № 280/97-VR. Article 3 of the mentioned Law prohibits any restrictions on the rights of citizens of Ukraine to participate in local self-government based on their race, skin color, political, religious or other beliefs, sex, ethnic or social origin, property, time of residence in the territory, language or other characteristics.

According to the decisions of the Transcarpathian Regional Council, former names were returned to a number of Transcarpathian settlements (totally 44) on the basis of local referendums, held in localities, relevant resolutions of the Verkhovna Rada of Ukraine.

**Articles 22, 127, 130, 168**

The statement about long absence of "clear legal guarantees in provision of education in minority languages" does not reflect the real situation. Decisions in criteria for the opening of classes in languages of minorities are taken without guidance from the Ministry of Education and remain the prerogative of local authorities. Legal guarantees for the educational rights of national minorities are mentioned in Article 53 of the Constitution of Ukraine, laws of Ukraine "On the Principles of State Language Policy" (also in applicable to August 10, 2012 Ukrainian SSR Law "On Languages in Ukrainian SSR") " On education", " On Preschool Education", "On General Secondary Education", etc.. The establishment of classes in secondary schools is set by Article 14 of the Law of Ukraine "On secondary education" .The Ministry of Education and Science, Youth and Sports is not familiar with cases where the minority representatives filed at least 5 applications to create classes with the appropriate language or study it (so as in the countryside and in the cities) and such requests were not granted.

One cannot agree that "education in minority languages and learning of minority languages in Western Ukraine is also inadequate, especially with regard to Romanian and Polish." There is no statement of representatives of these minorities, which was not satisfied. During consultations on the educational needs of national minorities conducted by the Ministry of Education and Science, Youth and Sports representatives of Polish and Romanian public organizations also did not raise this issue.

**Article 23, 46, 47, 50, 53, 121, 146, 147, 150, 169**

The Ministry of Culture developed a draft Decree of the President of Ukraine "On protection strategy and integration of Roma until 2020» (hereinafter - the Strategy) in order to create a framework for improving social and economic situation of Roma in Ukraine by ensuring equal rights and opportunities, equal access to social services and participation in all spheres of country public life.

The main task of the Strategy is to provide a comprehensive approach in solving the practical problems of Roma in the following areas: legal protection, social

security and employment, education, health, housing, culture and information, which will be provided through the adoption and execution of the action plan for the implementation of tasks of the Strategy in these areas.

The Ministry of Education and Science, Youth and Sports is not familiar with any "numerous reports on the segregation of Roma children in special classes or schools, which are also supplemented by reports of finding them often in very bad conditions." The representatives of Roma public organizations in the Public Council of Heads of educational programs nationwide associations of national minorities in Ukraine under The Ministry of Education never raised this issue.

The program on "Roma population of Transcarpathia" for 2012-2015 was developed in Transcarpathian region, approved by the Resolution of the Head of Regional State Administration from June 14, 2012 № 272 and adopted by the decision of the Regional Council on July 13, 2012 № 519, which defines the areas of cooperation of local authorities and local self-government with the Roma minority of the region in solving the educational, cultural, welfare and other demands of the Roma. The main directions of the program are the socialization of Roma population in education and preschool education spheres, health lifestyle promotion and social support of large families in sphere of health protection, employment of Roma population in cultural sphere. Implementation of the program measures will help to improve public living conditions and social protection of the Roma population, to increase its certification level, the improvement of health services in Roma-populated areas, the prevention of the spread of diseases, the improvement of attending educational institutions by scholar age children and others.

In the Odessa region 15 Roma organizations of various levels continuously disseminate necessary legal assistance to Roma, conduct counseling and monitoring on the most pressing problems of their life.

Several international projects and programs ("Protection of Roma rights in Ukraine and providing access to justice", "Human rights and the fight against discrimination," "Improving the health situation of Roma in Ukraine" ) aimed at overcoming the obstacles in getting identification documents by the Roma population, access to health and education services, employment opportunities, getting social help, were implemented with the initiative of Roma ethno-cultural communities in the Odessa region.

Regional Directorates of the State Migration Service of Ukraine takes steps to assist in documenting with the passport of a citizen of Ukraine, renewing of passport documents and registration of residence / staying of Roma people.

Information campaign on documenting with the passport of a citizen of Ukraine is conducted by the media.

#### **Articles 24, 35, 132, 133, 134, 136, 170**

The rules of the electoral legislation of Ukraine are based on the provisions of the Constitution of Ukraine, according to which, in particular, citizens have equal rights and freedoms and are equal under the law. There can be no privileges or restrictions based on race, color, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics.

Elections for state and local governments are free and are held on the basis of universal, equal and direct suffrage by secret ballot (parts 1 and 2 of Article 24, the first part of Article 71 of the Constitution of Ukraine).

The Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Elections of Members of Parliament of Ukraine" on November 17, 2011, according to which members of parliament can be elected during Ukraine's parliamentary election in 2012.

Part 8 of Article 2 of this Law stipulates that any direct or indirect privileges or restrictions on voting rights of citizens of Ukraine on the basis of race, color, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other grounds are prohibited.

According to paragraph 1 of the fifth part of Article 3 of the Law the equality of rights and opportunities for candidates, parties -the electoral subjects to participate in the electoral process is provided by banning the privileges or restrictions of candidates based on race, color, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics.

Regarding the absence in the Law of Ukraine "On Elections of Members of Parliament of Ukraine" of provisions relating to participation in the elections of blocks of political parties, it is to be noted that an ideological structuring is an important and indispensable condition for stabilization and successful functioning of any society. It is achieved through the ideology which identifies the political interests of the majority of citizens. The ideological struggle is a natural social phenomenon. The political parties, each of which has its own ideological principles, a system of norms and values, social base, oriented and designed for specific social groups are the most effective means of transformation of personal liberty into the collective, the participation of citizens in the formation of the policy of the state.

At the same time on the elections in 2006 and elections in 2007 a trend of association of political parties into electoral blocs to overcome the electoral threshold or increase the percentage of their representation in parliament, instead defending their ideological beliefs.

Such associations significantly distract public attention from the political forces that could potentially organize most citizens and affect the socio-economic, political and social change, reduce the credibility and popularity of such structures. Thus, political parties, instead of other public groups, should become subjects of election legal relations.

The practice of fixing of increased percentage of threshold for electoral blocs in the electoral law is not unusual (in Albania - 2.5% for political parties and 4% for their units, in Poland, 5 and 8% respectively).

In 2006, The National Institute of Strategic Studies analyzed the problems, consequences and ways to improve the functioning of the electoral system in Ukraine.

Based on the experience of election campaigns in 1998, 2002, 2006 it was proved that the percentage of citizens of Ukraine who make choices about political power on the basis of being under the influence of manipulative techniques, "television

projects," extremist ideas and so on, is close to 3%. In this regard, it was concluded that increasing of the electoral threshold to 4-5% can organize political configuration, making it less vulnerable to such phenomena.

**Article 33**

The year of 2012 was defined as the year of the census according to the Resolution of Cabinet of Ministers of Ukraine dated April 9, 2008 № 581-r "On conducting the 2012 Census". Currently, the Government considers the offer given by the State Statistics Service of Ukraine to reschedule the time of Census from 2012 to 2013 due to the limitations of allocations from general fund budget for preparation of the census and basing on the importance of proper preparation and the quality holding of the census.

According to the recommendations of UN and current international practice, and also in accordance with the Law of Ukraine "On the census of population", all records in census documentation should be made only according to respondents without documentary evidence of submitted information.

In this way during the census respondents are guaranteed not only the absolute right to decide on the answers to the questions of the census documents, but also to avoid any pressure on the content of the submitted information. This rule certainly applies also to the questions on ethnicity and language characteristics of the respondent.

**Article 41**

We do not agree with the statement of the Advisory Committee that provisions of the Article 161 of the Criminal Code of Ukraine are used only in a case of illegal actions against a specific person, not against an ethnic group or a people as a whole.

In accordance with the content of the Article 161 of the Criminal Code of Ukraine for the qualification of crime the deliberate actions, directed on incitement of the national, racial or religious hostility or hatred, humiliation of national honor and dignity or the abuse of the feelings of the citizens due to their religious believes, and direct or indirect restriction of the rights or setting of the direct or indirect privileges of the citizens on the grounds of race, skin color, political, religious and other believes, gender, ethnical or social origin, property status, place of living, language or other features, may be generic and appealing to a specific person is not compulsory.

These actions may appear in different forms of bullying of the citizens such as defamation, harassment, victimization against the culture, religious rites, customs etc of any nation, discrimination of people of certain nationality or race.

**Article 42**

The opinion of the Advisory Committee regarding termination of functioning of the units of the Ministry of Internal Affairs, engaged in disclosing crimes which were committed in a sphere of racial or ethnic hostility and hatred is misleading.

We inform that an office of fighting group and ethnic delinquency functions within the Department of the Criminal Investigation of the Ministry of Internal Affairs, workers of which monitor the state of ensuring the rights of foreigners, representatives of the ethnic and religious minorities, prevention and disclosure of crimes, committed on grounds of racial or religious impatience.

Similar units or fixed employees who are responsible for this part of work operate in the territorial units of the departments (offices) of the Criminal Investigation of the Ministry of Internal Affairs.

#### **Article 48**

Information about the members of the family who had been taken into custody in connection with an investigation into a crime allegedly committed by the father in Lviv on 14 February of 2012 mentioned in the article is misleading.

According to the results of official investigation conducted by the staff of the Chief department of the Ministry of Internal Affairs in Lviv region, it was established that on February 13, 2013 the workers of Criminal Investigation department of Shevchenko district police inspected the residence of Matyushenko Y.M., born 21.10.1977, who was wanted for murder by criminal case number 143-0414 on 09.05.2011.

During the check of the residential address of the mentioned person in the city of Lviv, his wife V. V. Bilyh and mother-in-law N. M. Bilyh were asked to get to the Shevchenko district police department for questioning, on what they have agreed and took with them two young children by bringing to the district.

Later V.V. Bilyh appealed to the prosecutor of Lviv region complaining on police misconduct in regard to her and her children.

The violations in the actions of police were not found during the check of the Lviv oblast prosecutor's office.

#### **Articles 63**

Issues on the returning of Karaim kenasa building located at Simferopol, str. Karaimska, 6, were repeatedly examined at different levels both in the Crimea and in Ukraine in general.

According to the fact that the radio building of the State Broadcasting Company "Crimea" (STRC "Crimea") is located in this very building, various options of radio building transferring to another room were not realized due to difficulties of communication link transferring.

During 2008-2009, the State Budget of Ukraine allocated funds for the construction of a new radiobuilding for STRC "Crimea", but relevant works are not completed due to the lack of funding.

The issue of using the kenasa building by Karaim religious organizations was considered once again in October 2012 at the Ministry of Culture of the Autonomous Republic of Crimea, and as a result, before making a final decision on the return of former religious building to religious organization it was agreed to provide believers with opportunity to worship in a large hall of kenasa.

As for the return of synagogue building to the Jewish religious community of Alushta, the information of Alushta city council says that the synagogue building was destroyed, thus the restoring of the building is impossible.

On the issue of the returning of the former worship building of the Roman Catholic church in Sevastopol to the Roman Catholic community, we inform that according to information provided by the Sevastopol city state administration, the church of St. Clement (the building of the former Catholic church in Sevastopol, Schmitt str., 1) is the municipal property of the Sevastopol city community, which was given for the accommodation of children cinema "Friendship".

However, today the cinema "Friendship" does not work, because it is in disrepair (closed by the decision of the Inspectorate of State Architectural and Constructional Control).

Considering the fact that the said building belongs to local community ownership of Sevastopol, the issue of transferring it into the ownership of a religious organization is the exclusive competence of the Sevastopol City Council - the local authority.

In particular, the Sevastopol City State Administration repeatedly (December 1998, February 2004, November 2005, November 2009, July 2011) endured the issue of the transferring of former church building to the Roman Catholic community of Sevastopol at the session of Sevastopol City Council, but the proposal did not receive the necessary support of deputies.

#### **Article 69**

The Ministry of Internal Affairs applies a set of organizational and practical measures considering modern standards of law enforcement aimed to support and create favorable conditions for the comprehensive protection of the rights and freedoms of representatives of national minorities.

Thus, according to the Action Plan of the Ministry of Internal Affairs against racism and xenophobia until 2012 (approved by the order of the Ministry from 18.02.2010 № 94), the Basic Plan by the Ministry of Internal Affairs in 2012, the requirements of other regulations the actions are being taken to detect radical individuals, organizations and groups, which are aimed at spreading xenophobia, racial and ethnic discrimination, humiliation of national honor and dignity or causing offense in connection with their religious beliefs, and to bring them to the statutory liability.

For this purpose close cooperation with state institutions of Ukraine and international governmental and non-governmental organizations, including: United States Embassy in Ukraine, the International Organization for Migration in Ukraine, American Bar Association, the International Women's Rights Centre "La Strada-Ukraine" , Project Coordinator of the Organization for Security and Cooperation in Europe in Ukraine and other organizations that promote the protection of rights and legitimate interests of victims harmed by crimes of specified direction by ensuring the provision of reintegration, rehabilitation, financial, psychological and medical assistance to them.

Also read comments on article 16.

#### **Article 71**

The information contained in this article does not fully correspond to reality.

We inform that by the decision of the court on 01.07.2011 on the land near the road Feodosia-Vladyslavivka (outside Feodosiya) the workers of the state



executive department of the Chief Directorate of the Ministry of Justice of Ukraine in the Autonomous Republic of Crimea demolished Orthodox memorial cross, arbitrarily set by Feodosia regional Cossack Society NGO "Ukrainian Registered Cossacks".

NGO representatives expressed their dissatisfaction with the actions of the executive service and warned of intent to return the cross to the location.

02.07.2011 representatives of the Cossacks, despite repeated legal requirements of police to stop illegal activities, attempted to overcome the police chain using the force on the site of cross, after what the collision, resulted in 9 persons asking for medical help, arose.

The events were observed by such representatives of the media as TRC "Visit", TRC "Russia", TRC "Ukraine", the newspaper "Kafa".

On the same day Feodosia governance agreed upon legal solution for this situation with participants of the move, namely the preparation of the necessary documents to establish the cross.

On 4 July of 2011 Feodosiya Prosecutor arose the criminal case number 120110190181 on grounds of crimes under Art. 293 of the Criminal Code of Ukraine on the fact of group violations of public order, which was subsequently closed on the basis of paragraph 2 of Part 1 of Art. 6 of the Criminal Code of Ukraine.

Prosecution did not find violations in the actions of the police members as they acted in accordance with Articles 12 and 13 of the Law of Ukraine "On the Police".

#### **Article 79**

The information contained in this article does not fully correspond to reality.

It is established that employees of RMOP "Berkut" of MIA of Ukraine in the Zakarpattia region audited documents of the people residing in the "Radvanka" district of Uzhgorod on 11.01.2012 to define the people involved in committing series of crimes.

People, who do not have any documents which prove their identity, were invited to Uzhgorod city department to determine personality with their consent.

At the City Department the workers of Criminal Investigation established personal data of invited persons, and the people were released after checking the evident records on the subject of involvement in the crime.

Uzhgorod public prosecutor's office audited the regional center by the fact of legality to conduct comprehensive testing, which resulted in a decision to dismiss a criminal case against the police under Section 2, Part 1 Art. 6 of the Criminal Code of Ukraine.

Work ensuring the rights of minorities in the actions of law enforcement officers is under constant control of the Ministry of Internal Affairs governance.

The Ministry of Internal Affairs will take into account the opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities and take measures to improve the efficiency of the police in this regard.

#### **Articles 84, 85**

The issues of providing inter-ethnic and inter-religious consensus, preventing the spread of political and religious ideologies of extremist origin in the community, deepening mutual understanding in order to remove biased and negative accretions, raising tolerance in Ukrainian society continue to be the priorities of the state policy in the field of freedom of conscience.

In this context, a complex of system measures is being implemented at the state level today which provides: further harmonization of national legislation in the field of freedom of religion and belief in accordance with international regulations on the protection of human rights and fundamental freedoms; implementation of the procedures prescribed by national law, in the case of any abuse of the rights and freedoms of religious organizations; the establishment of religious tolerance, allowance for all religions to develop in equal terms; encouragement and comprehensive support of dialogue between confessions and denominations.

The implementation of complex of existent measures is supposed to contribute to further improvement of relations in the field of tolerance and mutual respect, strengthening moral and ethical principles, active opposition at all levels of society possible xenophobia, racial or religious hatred.

#### **Articles 87, 88, 91**

According to Article 13 of the Law of Ukraine on September 23, 1997 № 538 "On the National Council of Ukraine on Television and Radio Broadcasting" the National Council of Ukraine on Television and Radio Broadcasting provides the observance of compliance of legislation of Ukraine by broadcasting organizations on the share of domestic products in their programs and on the use of languages in the implementation of broadcasting.

In connection with the entry into force of the Law of Ukraine "On the Principles of State Language Policy" and despite repeated appeals of entities in August 2012 the new application models for issuance (continuing), renewal and issuance of duplicate licenses for broadcast were approved, where the column "Language(s) used to conduct programs (%)" was removed. In addition, applications to broadcast licenses no longer include the language of programs. The requirements of this law envisage choice of language to be made by broadcasters themselves.

Considering this, members of the National Council of Ukraine on Television and Radio Broadcasting in Ukraine's regions, cities of Kyiv and Sevastopol are obliged to inform managers of broadcasting about the possibility of renewing the language licenses. In fact, today we can say that the recommendation about taking measures to provide people belonging to national minorities with access to radio and TV broadcasts available on their languages are being performed.

As to the insufficient transparency in the procedure of division of licenses and frequencies, it should be emphasized that there are no decisions of the courts or law enforcement agencies, which would establish the facts of corruption during conducting by the National Council of Ukraine on Television and Radio of the contests of frequency distribution, while competitive procedures are constantly being improved.

**Article 89**

State Committee for Television and Radio Broadcasting of Ukraine within its powers is involved in the implementation of the language policy, including the obligations stipulated by the European Charter for Regional and Minority Languages.

Information on audio and audiovisual products in minority languages scheduled for production by state broadcasters in 2012

Number	Name of public broadcasters	Language	Volume house programs, h / year	% of licensed volume of broadcasting
<b>TV</b>				
1.	Zhytomyr	Polish	46	1,00
2.	Zakarpattia	Hungarian	130	1,50
		Slovak	98,2	1,50
		German	97,2	1,11
		Roma	45	0,51
		Rusyn	45	0,51
3.	Crimea	Romanian	97,4	1,11
		Crimean Tatar	303	4,58
		Bulgarian	22,5	0,34
		Armenian	22,5	0,34
		Greek	45	0,68
4.	Odessa	German	22,5	0,34
		Moldovan	45,06	0,78
		Bulgarian	45,06	0,78
5.	Sevastopol	Gagauz	22,53	0,51
		Crimean Tatar	41,6	0,47
6.	Chernivtsi	Romanian	122,1	1,39
<b>Radio</b>				
1.	Zhytomyr	Polish	6	1
		Czech	6	1
2.	Zakarpattia	Hungarian	137,6	11,47
		Slovak	46,8	5,69
		German	25,2	0,29
		Roma	8,4	0,1
		Romanian	107,2	7,67
3.	Crimea	Crimean Tatar	247,15	19,81
		Bulgarian	62,1	3,72
		Armenian	61,45	3,65
		Greek	62,1	3,7
		German	72,25	3,65
4.	Odessa	Moldovan	48	4,4
		Bulgarian	24	2
		Gagauz	48	4
5.	Chernivtsi	Romanian	292	5,2

**Articles 108-110**

In accordance with the provisions of Article 12 of the Law of Ukraine "On National Minorities in Ukraine" dated 25.06.1992 № 2494-XII all citizens of

Ukraine have the right for national surname, name and patronymic. In addition, the above article guarantees the right to recover national surnames, names and patronymics, and citizens have the right to record in the passport only first and last name, and in birth certificate - name of father and mother in a case of absence of a national traditional custom to fix "patronymic".

As it was noted earlier (articles 19, 35, 98-107) that every citizen of Ukraine has the right to use his surname and name (patronymic) in native language in accordance with the traditions of the language, and the right of their official recognition according to the Law of Ukraine "On the Principles of State Language Policy" adopted July 3, 2012. Name (patronymic) and surname record in passports and other official documents is made with the prior approval of the owner (third and fourth parts of Article 28 of the Law).

#### **Article 112**

As it was noted earlier (articles 19, 35, 98-107) that according to the Law of Ukraine "On the Principles of State Language Policy" adopted on July 3, 2012 the match of the name in regional or minority languages is reproduced next to the name in the official language (first part of Article 27) in the territory where the regional or minority language is spread.

#### **Article 116**

The Ministry of Education and Science, Youth and Sports cannot agree with the comments on statements of the representatives of minorities that "their images in textbooks continue to be inadequate and often reinforce existing stereotypes of certain minority groups". A comprehensive review of existing textbooks was not conducted in order to better reflect the positive contribution of ethnic minorities into Ukrainian history, placing different perspective on the history, or an objective image of tradition and culture of the minorities. As for the quality and quantity of textbooks in minority languages except Russian, Advisory Committee notes with regret that it has gotten the message that, despite the efforts made by the governance, provision of textbooks continues to be inadequate at all levels and especially in high school... Textbooks for Education in Tatar language, for example, exist only from first till fourth grade. "

The complaint of Mufti of Muslims of Crimea E. Ablayeva on the presence of mathematical tasks with offensive to Muslims content in one of the manuals, which was used in December 2010 on the second stage of Ukrainian Student Olympiad in mathematics in the village Pobyednoye in Dzhankoi District of Autonomous Republic of Crimea was the only statement received by the Ministry during 2008-2012. The Ministry established the Commission and prepared the opinion on the contents of the manual "Week of mathematics in schools" (The authors T.L. Kornienko, V.I. Fihotina, publishing house "Ranok", 2008), according to which it was determined that the manual contains information that humiliates national dignity. The specified manual does not have appropriate marking of the Ministry of Education and Science, Youth and Sports and could not be used during the Olympiad. According to the specified information the Ministry drew attention of education authorities by a special letter on inadmissibility to use the manuals that are not recommended by the Ministry during the educational process.

During the conducting of the competitions for the creation of new textbooks the availability of information on national traditions and cultural achievements of nations or ethnic groups, the ability to use them solely for the purpose of development of students' sense of patriotism, national identity, tolerance, respect for human values is an important criteria.

Textbooks in minority languages are simultaneously issued with textbooks in Ukrainian. In particular, in 2008-2012 new books for 8-11 and 1 grades were published according to the contingent of students.

The textbooks on history, chemistry, algebra, geometry, physics, computer science, and biology were published on Tatar language for students of 5-11 grades.

**Article 117**

The Ministry of Education and Science, Youth and Sports denies the remarks of the Romanian minority "that opportunities to learn the Romanian language in Chernivtsi University is limited to a small Romanian philology faculty, where teachers teach Romanian language and literature. This led to a lack of trained multilingual teachers of mathematics and other subjects in schools with Romanian language which causes a great concern of parents".

The special groups for training of the teachers of natural and social sciences that will work in secondary schools with teaching in Romanian are formed if there are five or more applications of entrants. As there are no such applications recently, university introduced special seminars, consultations for some students, and Chernivtsi Regional Institute of Postgraduate Education provides complete readiness of young specialists for the work in these secondary schools through the introduction of special courses.

**Article 121**

The statements of parents or public organizations "where Roma children cannot get their certificates in the absence of birth certificates" have not been reported to the Ministry of Education and Science, Youth and Sports.

**Article 125**

The Ministry of Education and Science, Youth and Sports cannot accept the fact that "the number of language schools for minorities, and the quality of education provided, is in constant declension."

Due to the complicated demographic situation the number of secondary schools with Ukrainian language was reduced most of all during the last few years. At the same time, the network of institutions with the education in Moldavian, Romanian, Hungarian reduced slightly, and education in Crimean Tatar and Polish remained unchanged. Comments regarding the quality of education from members of the Public Council of Heads of educational programs of nationwide associations of national minorities in Ukraine under the Ministry were not reported.

In Autonomous Republic of Crimea the network of schools with education in Russian was not reduced substantially and now fully meets the needs of the population.

**Article 126**

Article contained false information. Certificates of external independent evaluation are published in Ukrainian.

**Article 128**

During consultations regarding the educational needs of ethnic minorities conducted by the Ministry of Education and Science, Youth and Sports, NGO representatives of Romanians really raised the issues for the education authorities not to practice opening Ukrainian language education classes in secondary schools with Romanian language education. They were explained that students and their parents have the right to choose the language of instruction (Part 1 of Article 20 of the Law of Ukraine "On the Principles of State Language Policy" and part 1 of article 25 of the current year to August 10 of the Law of the Ukrainian SSR "On Languages in Ukrainian SSR "); network of schools is formed by the local authorities and local governments according to statements filed by parents.

It is stated in Part 4 of Article 20 of the Law of Ukraine "On Principles of State Language Policy" that "the state and communal educational establishments create separate classes, groups in established order, in which studying is held in a language differing from that of a whole institution, if there is sufficient amount of relevant statements about language learning from pupils (for infants - from parents or people who replace them), students accordingly to the education legislation of Ukraine".

Applications from parents about impeding in studying in Polish or learning Bulgarian language were not reported to educational authorities.

**Article 129**

Information about reducing the number of cultural and educational centers of national minorities, Saturday and Sunday schools is misleading. Over the last 3 years, on the contrary, their number rose from 90 to 366.

**Articles 153, 154**

The work of establishing partnerships with neighboring countries in the field of minority rights is being conducted in Ukraine.

International cooperation in the field of protection of national minorities is held by Ukraine and the overwhelming majority of countries which have ethnically related communities.

An important mechanism of this cooperation is the work of the bilateral intergovernmental commissions on the rights of national minorities such as Ukrainian-Hungarian, Ukrainian-Slovak and Ukrainian-Romanian.

Conducting regular meetings of mentioned commissions is scheduled for the second half of 2012.

In the context of expansion and activation of the Ukrainian-Russian humanitarian cooperation the Ministry of Culture developed a draft Agreement between the Government of Ukraine and the Government of the Russian Federation on cooperation in ensuring the rights of people who belong to national minorities. On the 8th June 2012 the Ministry of Foreign Affairs of Ukraine sent the mentioned draft Agreement for the consideration of the Russian side.