



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
5 October 2015
English
Original: Russian
English, French, and Russian
Spanish only

Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Twenty-second and twenty-third periodic reports of States
parties due in 2014**

Ukraine*, **

[Date received: 10 July 2015]

* The present document is being issued without formal editing.

** Annexes can be consulted in the files of the Secretariat.

GE.15-16518 (EXT)



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Acronyms

FFU	Ukrainian Football Federation
FARE	Football against Racism in Europe
FIFA	Fédération Internationale de Football Association
ILO	International Labour Organization
ODIHR	Office for Democratic Institutions and Human Rights of OSCE
IOM	International Organization for Migration
PFL	Professional Football League of Ukraine
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PATRIR	Peace Action Training and Research Institute of Romania
UEFA	Union of European Football Associations

I. Introduction

1. Pursuant to article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, Ukraine presents its combined twenty-second and twenty-third reports on the implementation of that Convention. This report has been drawn up in accordance with the guidelines, adopted by the Committee on Racial Discrimination at its seventy-first session, for the CERD-specific document to be submitted by States parties (CERD/C/2007/1).

2. The aim of this report is to update information contained in the nineteenth to twenty-first periodic reports of Ukraine (CERD/C/UKR/19-21) and to present the legal situation and practice in respect of the implementation of the provisions of the Convention in the period January 2010 to December 2013 by Ukraine, taking into account amendments made to Ukrainian legislation since the submission of the preceding report.

3. In order to comply with the guidelines (CERD/C/2007/1) and paragraph 32 of the Committee's concluding observations on the nineteenth to twenty-first periodic reports (CERD/C/UKR/CO/19-21) concerning the observance of a page limit, references to paragraphs of the previous report (CERD/C/UKR/19-21) have been provided wherever there is no change to report.

4. This report addresses the aforementioned concluding observations (CERD/C/UKR/CO/19-21) and provides information on their follow-up.

5. This report was prepared by the Ministry of Culture and Tourism on the basis of information supplied by the Ministries of Internal Affairs, Health, Foreign Affairs, Education and Science, Labour and Social Policy, and Justice, the State agency on land resources, the State Statistics Service, the State Television and Radio Broadcasting Committee, the State Migration Service, the Office of the Procurator General, the Security Service, the parliamentary Human Rights Commissioner, the Cabinet of Ministers of the Autonomous Republic of Crimea, and the provincial State administrations.

6. For the purpose of public and social discussion of the report, the draft was published on the official website of the Ministry of Culture (mincult.kmu.gov.ua). Thus, voluntary associations were involved in the preparation of the report and deserve thanks for that participation.

7. Ukraine is a country with very rich and diverse cultural traditions. No ethnic, national or cultural conflicts have occurred in Ukraine since it became independent.

8. At the time of writing (early 2014), significant changes are occurring in the country, in particular the occupation of the Autonomous Republic of Crimea and the City of Sevastopol and the invasion of Ukraine and the sponsoring of terrorist organizations, the so-called Luhansk People's Republic and Donetsk People's Republic, by the Russian Federation. Those events have hindered the collection of information in the regions concerned.

9. The temporary occupation of the Autonomous Republic of Crimea and the City of Sevastopol and the aggression in eastern Ukraine by the Russian Federation have led to a deterioration in the protection of the rights of ethnic minorities in those regions, especially Crimea, where Ukrainians and Crimean Tatars and persons with pro-Ukrainian views, regardless of ethnic origin, are victims of discrimination.

II. Information in connection with articles 1-7 of the Convention

Article 1

Legislation on prevention of discrimination

10. Ukrainian legislation guarantees the same rights and freedoms, and equality before the law, for all citizens regardless of race, gender, ethnicity, language, attitude to religion, social origin, beliefs or social status (for more details, see paragraphs 7-12 of document CERD/C/UKR/19-21).

11. In line with the country's obligation to draw up and enact legislation against discrimination, the Verkhovna Rada (parliament) adopted the Act on the Principles of Preventing and Combating Discrimination in Ukraine, which entered into force on 4 October 2012. In May 2014, that Act was amended with a view to refinement and alignment with international standards (the full text of the Act is contained in annex 1).

12. Under the above Act, the measures taken by the State to prevent and combat discrimination were reviewed and systematized on a new basis, reflecting the relevant international norms.

13. Presidential Decree No. 622/2011 of 30 May 2011 endorsed the State Migration Policy Framework, one of whose strategic goals is to combat manifestations of racism, xenophobia and religious intolerance and promote tolerance in society, particularly with respect to migrants.

14. In order to ensure the effective implementation of activities within the above Framework, Cabinet of Ministers Order No. 1058-r of 12 October 2011 approved a plan of action which, inter alia, provides for measures to inform the population about the particular characteristics of the migrants' ethnic culture and life and about activities undertaken to prevent racist and xenophobic acts.

15. Pursuant to Instruction No. 11273/110/1-08 of 24 February 2010, central and local government bodies worked on the implementation of a plan of action for combating, in the period 2010-2012, manifestations of xenophobia and racial or ethnic discrimination in Ukrainian society.

16. Cabinet of Ministers Order No. 236-r of 25 April 2012 approved a plan of action to foster community and tolerance among the population. The timely fulfilment of the measures provided for in the plan was entrusted to various ministries, other central government agencies, the Cabinet of Ministers of the Autonomous Republic of Crimea, and State administrations in the cities of Kyiv and Sevastopol.

17. The above plan included a broad set of measures to combat xenophobia and racial and ethnic discrimination in society through such basic forms of action as awareness-raising, improved legal understanding within society, development of social dialogue and promotion of relevant cooperation with civil society.

18. The activity of the above State bodies under the said plan is not limited to such efforts. Provisions are made for independent action, bearing in mind those bodies' competence and the tasks assigned.

19. Act No. 1251-VII of 17 April 2014 amended the Act on Refugees or Persons in Need of Subsidiary or Temporary Protection, expanding the definition of "subsidiary and temporary protection" in line with international standards. In particular:

- Aliens and stateless persons having left their country as a result of unrest and violence in situations of international or internal armed conflict are entitled to recognition as persons in need of subsidiary protection;
- The provision of temporary protection is subject to restrictions solely in the case of aliens and stateless persons arriving in Ukraine from adjacent countries.

20. Act No. 1221-VII of 17 April 2014 amended the Act on the Principles of Social Protection for Homeless Persons and Street Children so as to entitle homeless aliens or stateless persons authorized to prepare supporting documents for recognition as refugees or persons in need of subsidiary protection to receive assistance in establishments for the homeless.

21. Under the Employment Act, which entered into force on 1 January 2013, aliens and stateless persons who have been recognized as refugees, offered asylum, characterized as persons in need of subsidiary protection and provided with temporary protection in Ukraine are entitled to employment on the basis and according to the procedure applicable to Ukrainian citizens.

22. The Act on the protection of the rights and freedoms of citizens and the legal situation in the temporarily occupied territory of Ukraine, adopted on 15 April 2014, specifies the status of the national territory occupied temporarily by the Russian Federation through armed aggression, establishes a special legal system for that territory, specifies the particularities of activities undertaken by State or local government bodies, enterprises, establishments and organizations under that system, and provides for the observance and protection of human and civil rights and freedoms and of the rights and legitimate interests of legal entities. The Act aims at the protection and full realization of the ethnic cultural, social and political rights of Ukrainian citizens, including the indigenous peoples and ethnic minorities located in the temporarily occupied territory.

23. In conclusion, Ukraine has taken the legislative measures necessary for preventing discrimination. This attests to the country's efforts to build a society free of racial or ethnic discrimination in any form.

Article 2

Fulfilment of the obligation to eliminate all forms of racial discrimination and related intolerance

24. National legislation precludes racial discrimination, which is incompatible with the fundamental human rights principle enshrined in article 24 of the Constitution and all other related enactments.

25. There has been no change concerning the information contained in paragraphs 13-18 and 21-31 of document CERD/C/UKR/19-21.

26. Article 3 of the Print Media (Press) in Ukraine Act, article 4 of the Television and Radio Broadcasting Act and article 28 of the Information Act prohibit use of the media to incite racial, ethnic or religious hatred.

27. Article 37 of the Constitution prohibits the establishment and activity of political parties and civil society organizations that seek, through their programmes or action, to propagate war or violence, incite ethnic, racial or religious enmity, or infringe on human rights and freedoms. Article 4 of Act No. 4572-VI of 22 March 2012 on Voluntary Associations contains a similar provision.

28. Paragraphs 11-22 above refer to legislative amendments adopted during the period considered in connection with combating discrimination.

29. According to the Act on the Parliamentary Human Rights Commissioner, one of the goals of parliamentary oversight of the observance of human and civil rights and freedoms is the “prevention of any form of discrimination as regards a person’s realization of his or her human rights”. Under the Act on the Principles of Preventing and Combating Discrimination, a number of clearly specified additional powers in the area of combating all forms of discrimination were conferred on the parliamentary Human Rights Commissioner, who thus in practice became the national institution for such issues (for further details, see paragraphs 191-201 below and 297-300 of document CERD/C/UKR/19-21).

30. The Strategy for the Protection and Integration of the Roma Ethnic Minority in Ukraine up to 2020 was adopted (through Presidential Decree No. 201/2013 of 8 April 2013) in order to establish an enabling environment for protecting the minority in question and ensuring its integration into Ukrainian society and its participation in the country’s social, economic and cultural life on the basis of equal opportunities.

31. The strategy’s main thrusts consist in promoting legal and social protection and employment, raising the level of education and health care, providing housing, and meeting cultural and information needs.

32. The strategy’s plan of action was approved through Cabinet of Ministers Order No. 701 of 11 September 2013.

33. As part of preparing the strategy and the plan of action, drafts of the relevant documents were published on the website of the Ministry of Culture for public discussion.

34. No measures involving racial discrimination are taken or sponsored by the State or the Government. Ukraine always stresses its steadfast commitment to sanctioning manifestations of racial discrimination, xenophobia and related intolerance.

Article 3

Condemnation of racial segregation and apartheid

35. No racial segregation or apartheid has ever been practised in Ukraine, whose legislation contains no provisions that may be interpreted as conducive to apartheid. Ukraine condemns such practices and any policies or ideologies leading to intolerance or racial hatred. The country’s foreign and domestic policies are based on international standards, including the condemnation of apartheid and racial segregation.

Article 4

Legislative measures to eradicate incitement to or acts of racial discrimination

36. There has been no change concerning the information contained in paragraphs 49-55 of CERD/C/UKR/19-21.

37. The Government is committed to meeting its obligations under article 4 of the Convention, which requires States parties to condemn all propaganda and all organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form.

38. In line with article 4, subparagraphs (a) and (b), of the Convention, Ukraine condemns the dissemination of ideas or theories based on racial superiority and declares the dissemination of such ideas to be an offence punishable by law.

39. Statistical data on equal rights violations on the grounds of racial or ethnic origin or religious beliefs are contained in paragraphs 202-222 below.

Article 5

Measures taken to guarantee the right of everyone to equality before the law regardless of race, colour, or national or ethnic origin

40. In compliance with the fundamental obligations laid down in article 2 of the Convention, Ukraine prohibits racial discrimination in all its forms with regard to the enjoyment of fundamental human rights and freedoms, including those specified in article 5 of the Convention.

A. Right to judicial protection

41. Information on the right to equal treatment before the courts and other bodies that administer justice is contained in paragraphs 284-287 of document CERD/C/UKR/19-21.

42. Under article 55 of the Constitution, human and civil rights and freedoms are protected by the courts. The Constitution confirms the right to challenge in court the decisions, acts or omissions of State or local government bodies, officials, and officers.

43. Accordingly, article 7 of the Organization of the Courts and Status of Judges Act of 7 July 2010 guarantees the protection of everyone's rights, freedoms and legitimate interests by an independent and impartial court, created in accordance with the law. Under article 9 of that Act, the administration of justice is based on the equality of all parties to judicial proceedings before the law and in court, regardless of race, colour, political, religious or other beliefs, gender, ethnic or social origin, property status, place of residence, language or other characteristics.

44. The country's judicial system seeks to ensure that cases are heard fairly and impartially within reasonable periods of time prescribed by law and comprises first-instance, appellate and cassational courts and the Supreme Court.

45. Any person may participate, in the manner prescribed by procedural law, in judicial proceedings concerning him or her in a court of any instance. In Ukraine, aliens, stateless persons and foreign legal entities are entitled to judicial protection on an equal footing with Ukrainian citizens or legal entities.

46. The Constitution guarantees that anyone may request protection of his or her rights from the parliamentary Human Rights Commissioner and, after exhausting all domestic legal remedies, from the relevant international judicial institutions or bodies of international organizations of which Ukraine is a member or in which it participates.

47. On 2 June 2011, the Verkhovna Rada adopted the Free Legal Assistance Act, essentially aimed at creating a free legal assistance system in line with everyone's right to such assistance under article 59 of the Constitution. The Act specifies the content, and procedure of implementation, of the right to legal assistance; the basis, procedure and State guarantees for the provision of such assistance; the relevant powers of government agencies; and the procedure for appealing decisions, acts or omissions of government agencies and local government bodies and their officials and officers.

B. Right to security of person and protection by the State

48. On 5 November 2009, the Verkhovna Rada adopted the Act amending the Criminal Code in respect of liability for offences motivated by racial, national or religious

intolerance. Inter alia, the Act strengthened the sanctions specified in article 161 of the Code and amended certain other articles.

49. The said Act prohibits “deliberate acts designed to incite ethnic, racial or religious enmity and hatred, injure ethnic pride and dignity or offend citizens’ feelings related to religious convictions; and any direct or indirect restriction on rights on grounds of race, colour, political, religious or other views, gender, ethnic and social origin, property status, place of residence, language or other characteristics”.

50. The second parts of articles 115 (Premeditated murder), 121 (Intentional grievous bodily harm), 126 (Assault and battery) and 127 (Cruel treatment) of the Criminal Code have been amended to include such offence-defining circumstances as commission motivated by racial, ethnic or religious intolerance.

51. Under article 300 of the Criminal Code, importing, manufacturing and disseminating products such as cinematic or video films glorifying violence, cruelty, racial, ethnic or religious intolerance and discrimination are also classified as criminal offences.

C. Political rights

52. Under article 5 of the Constitution, the people are the bearers of sovereignty and the sole source of power in Ukraine. The people exercise power directly and through State and local government bodies. The right to determine and amend the country’s constitutional system resides exclusively in the people and may not be usurped.

53. Under article 38 of the Constitution, Ukrainian citizens have the right to participate in the conduct of public affairs, in national and local referendums and freely to elect or be elected to State and local government bodies, and enjoy equal rights of access to public service and service in local government bodies. Ukrainian citizens are accordingly guaranteed the opportunity to exercise all government powers, directly or through representatives. This right builds on the general, declaratory provision in article 5 of the Constitution to the effect that the source of power is the people.

54. The citizens’ right enshrined in article 38 is fully consistent with international standards, including the provision of article 25, subparagraph (a), of the International Covenant on Civil and Political Rights, concerning the right of every citizen, without any distinctions or unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives.

55. In addition to the Constitution, the main legislation guaranteeing the citizens’ right to participate in elections consists of the:

- Presidential Elections Act;
- Act on Elections of People’s Deputies of Ukraine;
- Act on Elections of Deputies of the Parliament of the Autonomous Republic of Crimea, Local Councils and Village, Settlement and City Mayors;
- National and Local Referendums Act;
- Central Electoral Commission Act.

56. Domestic law does not provide for any linguistic or ethnic quotas. Realization of political rights depends above all on the candidates’ personal qualities, such as their professionalism, community involvement and general popularity.

57. Under article 24 of the Constitution, aliens and stateless persons who are in Ukraine may not participate in elections or referendums.

D. Other civil rights

58. There has been no change concerning the information, contained in paragraphs 129-146 of document CERD/C/UKR/19-21, on the rights to freedom of movement, to nationality, to marry and choose one's spouse, to own property and to inherit.

Right to freedom of thought, conscience and religion

59. There has been no change concerning the information contained in paragraphs 147-167 of document CERD/C/UKR/19-21.

60. On 13 January 2011, the Verkhovna Rada adopted the Access to Public Information Act and the Act Amending the Information Act (new version) in order to ensure the effective exercise of everyone's rights to freedom of expression of one's views, access to information, and freedom of collecting, storing, using and disseminating information orally, in writing or otherwise. These Acts entered into force on 10 May 2011.

61. The above two Acts are closely interrelated. In particular, the new version of the Information Act specifies the basic principles, actors and scope of relations within the area of information in Ukraine, and defines information and its forms.

62. The Access to Public Information Act lays down procedures for exercising and securing the right of every person to access information of public interest possessed by State bodies and other administrators of public information identified in the Act.

63. All of the Act's requirements apply only to State bodies, other public organizations, local government bodies, the authorities of the Crimean Autonomous Republic, and other bodies fulfilling administrative functions in accordance with the law and whose decisions are necessary for implementation.

64. The Act obliges all information administrators to provide and publish public information recorded and displayed by any means or on any medium; obtained or created as part of acts performed by the actors in their capacity as State authorities in accordance with the law; or possessed by such actors or other public information administrators. The establishment of clear criteria for possible restrictions on access to public information has resulted in a review and reduction of the lists of documents, access to which was restricted before the Act entered into force.

65. Attention is drawn to the Act's provisions regarding the procedure for exercising one's right to access information through a request to an information provider to supply public information in the provider's possession. Under the Act, an individual may request information from an information provider regardless of whether such information is related to that individual and without specifying the reason for the request. That the information is provided free of charge contributes significantly to the realization of the right to have access to public information upon request.

66. Persons who consider their rights and legitimate interests violated by information providers have the right to challenge the information providers' decisions, acts or omissions in court in accordance with the Code of Administrative Procedure, and to request compensation for material and moral damage in accordance with the procedure established by law. In sum, through the Act, Ukrainian citizens acquired specifically the right to obtain, easily and rapidly, information on the functioning of State and local government bodies.

Protection of religious rights

67. Relations between the State and religious organizations in Ukraine are based on legal principles laid down in accordance with the Constitution and relevant legal and regulatory instruments, notably the Freedom of Conscience and Religious Organizations

Act. It sets clear parameters for relations between the State and religious organizations, defines their rights and obligations and reflects the country's pluri-religious nature (for more details, see paragraphs 147-167 of document CERD/C/UKR/19-21).

68. Efforts are made to improve the provisions of current legislation on relations between the State and the church. In April 2014, the country's religious community launched an initiative to resume work on the framework for such relations. The Ministry of Culture supported that initiative, given that such a framework will improve the domestic situation with respect to religion and help to resolve all relevant issues in a timely and appropriate manner.

69. In view of the activation of the constitutional reform process, the representatives of the religious community give priority to proposing constitutional amendments enshrining the draft framework's basic concepts and standards in the revised Basic Law of the State.

70. As part of the current State policy of restoring the rights of churches and religious organizations that have been violated, the State authorities and local government bodies systematically seek to return to religious organizations property of religious significance confiscated as a result of the totalitarian policies of the Union of Soviet Socialist Republics (USSR).

71. The process of returning to Ukrainian religious organizations all of the places of worship that were confiscated by the Soviet State and used for other purposes will soon be completed. Returning the few remaining former places of worship that are being used for other purposes requires, above all, State funding and resources, particularly for the construction or renovation of other premises to relocate the organizations and establishments (mostly social and cultural facilities) currently operating from such places. Although it considers the matter urgent, the State is unable to deal with it on a priority basis, in view of the country's current social and political situation.

72. The State supports the initiatives of religious institutions to step up dialogue between the church and the armed forces. Such initiatives underscore the relevance of ensuring the right to freedom of conscience among the military personnel, and of establishing a spirit of tolerance, mutual respect, patriotism and love of country within their ranks.

73. Cabinet of Ministers Order No. 677 of 2 July 2014 on chaplainship in the armed forces, the national guard and the State border service provides for the institution of military chaplains and their selection among clergymen proposed by religious organizations, with a view to offering spiritual guidance to military personnel, particularly in the zone of counter-terrorism operations in eastern Ukraine.

Right to freedom of opinion and expression

74. There has been no change concerning the information contained in paragraphs 168-170 of document CERD/C/UKR/19-21.

Right to freedom of peaceful assembly and association

75. Under article 39 of the Constitution, citizens have the right to assemble peacefully without arms and to hold meetings, rallies, marches and demonstrations, provided they notify the government agencies or local government bodies beforehand. Restrictions on the exercise of this right may be ordered by a court in accordance with the law and only in the interests of national security and public order, so as to prevent disturbances or offences, protect public health or safeguard the rights and freedoms of others.

76. On 22 March 2012, the Verkhovna Rada adopted the Voluntary Associations Act, which laid down a legal and organizational basis for the realization of the constitutional

right to freedom of association, and established the procedure for the creation, registration, activity and termination of voluntary associations (for more details, see paragraphs 248-256 below).

77. The legal and organizational basis for the realization of the right to freedom of association in political parties and voluntary associations is governed by the above Act and the Political Parties in Ukraine Act.

E. Economic, social and cultural rights

Right to work

78. There has been no change concerning the information contained in paragraphs 188-90 of document CERD/C/UKR/19-21.

79. On 5 July 2012, the Verkhovna Rada adopted the Employment Act, which lays down a legal, economic and organizational basis for the implementation of State policy on employment, State protection of the citizens' work-related rights and realization of their right to social protection against unemployment.

80. Under article 11 of the Act, the State guarantees individuals the right to protection against any employment-related discrimination based on race, colour, political, religious or other beliefs, membership of trade unions or other associations, gender, age, ethnic or social origin, place of residence, or linguistic or other grounds.

81. An amendment to the Advertising Act entered into force together with the Employment Act, on 1 January 2013. The amendment consisted in the addition of article 20-1, which is broader than article 11 of the Employment Act and prohibits the inclusion of racial, ethnic or religious requirements in job vacancy advertisements. Moreover, such advertisements may not impose restrictions concerning the age of candidates, propose work exclusively for women or exclusively for men, except in the case of specific work which can be performed only by persons of one gender, establish conditions that favour either gender, or request employment seekers to furnish information about their personal life.

82. The principle of equality of the rights of citizens is also enshrined in the Act on Universal Compulsory State Social Insurance Against Unemployment, which provides for no restrictions based on, inter alia, origin, social status, wealth, race, ethnicity or gender in connection with such State insurance.

Right to form and join trade unions

83. There has been no change concerning the information contained in paragraphs 202-211 of document CERD/C/UKR/19-21.

84. Pursuant to article 243 of the Labour Code and article 6 of the Act on Trade Unions, Their Rights and Guarantees relating to Their Activities, citizens have the right, as an expression of their free will and without the need for any permission, to form, join and leave trade unions and to participate in their work in accordance with the terms and procedures defined in their statutes. Trade unions are created for the realization, representation and protection of the work-related, social and economic rights and interests of union members.

85. Article 5 of the above Act prohibits discrimination on grounds of trade union membership. Thus, neither membership nor non-membership of trade unions implies any restrictions on the labour, social, economic, political or personal rights and freedoms of citizens guaranteed under the Constitution and other laws. In connection with the conclusion, amendment or termination of an employment contract, no rights may be

restricted or advantages conferred as a result of membership of trade unions, or of belonging to, joining or leaving a specific trade union.

86. Under article 22 of the Act, trade unions and their associations may participate and engage in consultations related to the recruitment of foreign workers and their employment in Ukraine.

87. The following national trade unions are registered with the State Registration Service:

- Ukrainian Trade Union of Overseas Workers;
- National Trade Union of Migrant Workers in Ukraine and Abroad;
- National Independent Trade Union of Tourism- and Service-sector Workers in Ukraine and Various Countries;
- “Svyataya Sofiya” National Trade Union of Migrant Workers.

Right to housing

88. There has been no change concerning the information contained in paragraphs 212-215 of document CERD/C/UKR/19-21.

89. Information on conditions for the reception of refugees and asylum seekers is provided in paragraphs 417-421 below.

Right to health and medical care

90. There has been no change concerning the information contained in paragraphs 216, 217, 219 and 220 of document CERD/C/UKR/19-21.

Right to education and vocational training

91. The legal framework regulating inter-ethnic relations and education offers a sound basis for combining harmoniously the interests of all Ukrainian citizens and ensuring their participation in State-building processes on an equal footing.

92. Under article 53 of the Constitution, “citizens are guaranteed freedom of literary, artistic, scientific and technical creativity, and protection of intellectual property, copyright, and moral and material interests that arise with regard to various types of intellectual activity”.

93. The rights of Ukrainian citizens and of all ethnic groups are guaranteed by and anchored in, inter alia, the Declaration on the State Sovereignty of Ukraine, the Constitution, the fundamental Ethnic Minorities of Ukraine Act, the Act on the Principles of State Language Policy, the Education Act, the Print Media (Press) in Ukraine Act, the Voluntary Associations Act and the Citizenship Act.

94. The legislative basis for the rights of ethnic minorities in the area of education is strengthened through the Preschool Education Act, the General Secondary Education Act, the Out-of-school Education Act, the Vocational Education Act and the Higher Education Act.

95. The above standard-setting texts guarantee that Ukrainian citizens, regardless of gender, race, ethnicity, social or property status, type or nature of occupation, philosophy of life, party affiliation, attitude to religion, faith, state of health, place of residence or other circumstances, have the constitutional right to free education in all State and community educational establishments,.

96. The national legislation and practical regulation of ethnic and nationality processes in education comply with the relevant international standards and recommendations as enshrined in the Universal Declaration of Human Rights, the Framework Convention for the Protection of Ethnic minorities of the Council of Europe, the European Charter for Regional or Minority Languages, and the Hague Recommendations regarding the Education Rights of Ethnic minorities of the Organisation for Security and Cooperation in Europe (OSCE).

97. A widely branching network of preschool, general, vocational and higher education establishments is in operation in order to give effect to the right to education in ethnic minority languages and to the study of such languages. Information regarding education in a child's native language and study of the State language and of ethnic minority languages in educational establishments in the 2013/14 school year is presented in tables 1-6 (see annex 3).

98. Higher education institutions offer opportunities to study Russian, Bulgarian, Crimean Tatar, Moldovan, Modern Greek, Polish, Romanian, Slovak, Turkish, Czech and Hungarian.

99. Persons belonging to ethnic minorities dispersed about the country have access to 366 culture and education centres (including Saturday and Sunday schools) open to all ages and carrying out activities sponsored by the education authorities, ethnic cultural associations and educational organizations.

100. Those centres, and Sunday schools, offer opportunities to study Azerbaijani, Armenian, Bashkir, Belorussian, Bulgarian, Hungarian, Georgian, Hebrew, Yiddish, Estonian, Karaim, Korean, Krymchak, Crimean Tatar, Lithuanian, Russian, Moldovan, German, Modern Greek, Polish, Pashto, Romany, Tatar, Turkish and Czech and the respective history, cultures and popular traditions. Information on the number of students of native languages in the above centres is provided in annex 4.

101. Ukraine trains teachers for general education institutions and classes providing tuition in Ukrainian, Russian, Moldovan, Crimean Tatar, Hungarian, Polish, Romanian, Slovak and Bulgarian.

102. In particular, higher education establishments with level I-IV accreditation in all of the country's administrative areas offer training for teachers of general educational institutions providing tuition in Ukrainian and Russian. Teachers for schools using Moldovan or Romanian as language of instruction are trained at the Izmayil State University of the Humanities and the Uzhorod and Chernivtsi national universities; for schools using Crimean Tatar, at the Crimean State Engineering and Teacher Training University and the Taurida National University; for schools using Hungarian, at the Uzhorod National University and the Ferenc Rákóczi II Transcarpathian Hungarian Institute; for schools using Polish, at the Volyn, Drohobych Teacher Training, Kyiv, Lviv, Prykarpattia, East Ukrainian and Khmelnytsky national universities; for schools using Slovak, at the Lviv and Uzhorod national universities; and for schools using Bulgarian, at the Izmayil State University of the Humanities and the national universities in Kyiv, Lviv and Odesa.

103. Under current agreements, teachers of Bulgarian, Estonian, Polish and Slovak come every year from the respective countries to work in Ukraine at the request of the education authorities.

104. Furthermore, teachers for general education institutions that provide tuition in ethnic minority languages receive training and further training at postgraduate teacher training institutes in the provinces and the city of Kyiv.

105. The Ministry of Education and Science has developed various study programmes that take account of the specificities of teaching the languages and literature of ethnic minorities in the different types of educational establishments.

106. The Ministry of Education and Science and the regional educational administration bodies work systematically for the social adaptation of Roma children, facilitating their access to education on the basis of equality and focusing on their completion of compulsory secondary education.

107. Pursuant to Cabinet of Ministers Decision No. 646 of 12 April 2000 approving procedures for the registration of children and adolescents of school age, persons aged 6-18 are registered every year in every region of the country in order to ensure that all children with a Roma or other ethnic background are enrolled in school.

108. A school-attendance monitoring system has been set up. Educational establishments are obliged to follow up every day on children who have been absent from class, the reasons for such absences are promptly found out and, where necessary, the parents are informed.

109. Efforts are made to identify Roma children in need of increased pedagogical attention, and their living conditions within the family are examined with a view to providing them with appropriate assistance.

110. In operational meetings, the education authorities and the heads of educational institutions address questions related to school attendance and targeted assistance to various categories or Roma pupils or students who need such help.

Right to equal participation in cultural activities

111. On 14 December 2010, the Verkhovna Rada adopted Act No. 2778-VI on Culture.

112. Under article 4 of the Act, the State promotes the culture of the Ukrainian nation and of the country's indigenous peoples and ethnic minorities as a matter of priority.

113. Article 5 of the Act provides for the use of language in the area of culture:

- The use of languages in the area of culture is guaranteed by the Constitution and governed by article 23 of the Act on the Principles of State Language Policy;
- The State ensures that the State language is universally promoted and used in the area of culture. Moreover, the State guarantees free use of all ethnic minority languages of the country.

114. Article 6 of the Act guarantees the citizens' right to join creative unions, ethnic culture societies, centres, funds and associations and other voluntary organizations in the area of culture, and the right to preserve, develop and popularize cultural and linguistic identity, traditions, customs and ceremonies.

115. Article 10 of the Act lays down the cultural rights of Ukrainian citizens with any ethnic background:

- The State facilitates the cultural development of Ukrainian citizens with any ethnic background and contributes to their involvement in the overall process of creation of cultural values;
- Ukrainian citizens of any ethnic group have the right to preserve, develop and popularize their culture, language, traditions, customs and ceremonies, form ethnic culture societies or centres and other cultural institutions, and engage in any other lawful cultural activity.

116. Under article 16 of the Act, the executive authorities and local government bodies must ensure the preservation of the intangible cultural heritage, including traditional popular culture, such as dialects, idioms, folklore, traditions, customs and ceremonies, popular arts and crafts, and historical place names.

117. The country's cultural policy is being updated, inter alia through new approaches to cultural diversity management and a reappraisal of the role of culture in social change.

118. In the last four years, the process of formulating strategies for the promotion of culture (at the national and local levels) and for local development, including a cultural component crucial to sustainable social and economic development, has been stepped up significantly.

119. The Ministry of Culture has drawn up a draft strategy for the development of culture through 2025, particularly by, inter alia, encouraging and assisting innovative projects in the area of culture, formulating and supporting comprehensive programmes and projects involving interaction between branches or sectors, and promoting intercultural dialogue as a key to cultural democracy. The strategy aims to create values, mechanisms and reference points that meet current requirements and are conducive to social solidarity.

120. The ethnic minorities' need for information in their native languages is met by the State Television and Radio Broadcasting Committee, the Ministry of Culture, and State and private radio and television companies.

121. In particular, the Ministry of Culture has co-founded six newspapers published in ethnic minority languages: *Aragats* in Armenian, *Golos Kryma* (Voice of Crimea) in Crimean Tatar, *Dzennik Kiiovski* in Polish, *Evreiskie vesti* (Yiddish news) in Yiddish, *Konkordia* in Romanian and *Roden Krai* in Bulgarian. These newspapers have country-wide circulation and receive annual State funding for their activities (see annex 5).

122. Monolingual, bilingual and multilingual periodicals are published in ethnic minority languages (see annex 6). Books and pamphlets are published in ethnic and foreign languages (see annex 7).

123. In localities where ethnic minorities constitute a substantial part of the population, the print media publish thematic pages in the ethnic minority languages concerned.

124. State and private radio and television companies broadcast in ethnic minority languages (for the State companies, see annex 8).

125. In cooperation with sports federations, the Ministry for Youth and Sport pays considerable attention to fair play, tolerant behaviour and the need to combat manifestations of racism, xenophobia and all forms of discrimination in sport. A committee has been set up in virtually every sports federation to deal with questions of fair play and tolerant behaviour among sportspersons.

126. Representatives of the above Ministry actively participate in Council of Europe meetings and events in the framework of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in Particular at Football Matches. Racial discrimination is among the issues discussed in such meetings.

127. The Ukrainian Football Federation (FFU) plays an active role in combating manifestations of racism. During the European Football Championships hosted in 2012 by Ukraine and Poland, a campaign entitled "Respect" was launched in both countries, in partnership with the "Football against Racism in Europe" (FARE) and "Never again" organizations, to spot discrimination in the field and the stands. Approximately 100,000 Ukrainian and Polish police officers and stewards received special training in identifying discriminatory phenomena. For the first time, racism was extensively combated during the biggest football tournament. FFU systematically holds seminars and conferences on

combating racism and discrimination. As part of FARE activities, an international conference on football without hate or discrimination was held in October 2013 in Kyiv on the initiative of FFU and the Eastern Europe Development Institute, in partnership with the Fédération Internationale de Football Association (FIFA), the Union of European Football Associations (UEFA), the Ukrainian Premier League, the Professional Football League of Ukraine (PFL) and FARE.

128. Conference participants discussed the significance of tolerance, shared their experience in combating intolerance in football stadiums, adopted by vote a final resolution on “football without hate or discrimination” and decided on the main steps to be taken to prevent discrimination in football, establishing mechanisms, standards and rules against such discrimination, setting up a database of offenders, organizing cooperation with civil society and implementing international anti-discrimination standards in accordance with the legislation and the relevant regulations of FIFA and UEFA.

129. In combating racism in sport, the Ministry for Youth and Sport ascribes considerable importance to education. The authorities responsible for sport are guided by the principles enshrined in the Olympic Charter of the International Olympic Committee and the Ukrainian Olympian’s Code of Honour.

130. The country’s men and women participate in sports and physical education on an equal footing. Under article 3 of the Physical Education and Sport Act, Ukrainian citizens are entitled to engage in physical activities and sports regardless of, inter alia, race, colour, political, religious or other views, gender, ethnic and social background, property, place of residence, or language. Considerable attention is paid to the gender aspect in sport at the level of voluntary associations assisted in their activities by the Ministry for Youth and Sport. Within the National Olympic Committee, a commission on women and sport promotes women’s participation and role in the area of sport.

The status of minority languages under domestic law

131. The use of languages in Ukraine is governed by the Constitution and the Act on the Principles of State Language Policy.

132. Moreover, the language rights of ethnic minorities are enshrined in the Declaration on the Rights of Nationalities in Ukraine, the Act Ratifying the European Charter for Regional or Minority Languages, the Ethnic Minorities of Ukraine Act, the Act Ratifying the Framework Convention on Ethnic minorities of the Council of Europe, other enactments and the international treaties on use of languages that are recognized by the Verkhovna Rada as binding.

133. Pursuant to the Constitution, the State ensures that Ukrainian is universally promoted and used as the sole official State language in all spheres of public life throughout the national territory, and promotes the study of international communication languages. The Constitution guarantees also the free development, use and protection of Russian and the other ethnic minority languages of the country.

134. The rights related to linguistic self-determination are enshrined in the Constitution and the Act on the Principles of State Language Policy. Under that Act, every person has the right to determine freely his or her native language, select a language of communication, characterize himself or herself as bilingual or multilingual and modify his or her language preferences. Regardless of ethnic origin, ethnic culture, place of residence and religious beliefs, every person is entitled to use any language in public and private life freely, and to study and support any language.

135. The country pursues its State language policy in accordance with the following goals and principles:

- Acknowledgment of all languages traditionally used within the State or a specific region within it as a national asset and prohibition of privileges or restrictions based on language;
- Guarantee of the comprehensive development and use of the Ukrainian language as the State language in all spheres of public life throughout the country and possibility to use, in parallel, regional or minority languages in regions and cases where that is justified.

136. The above language policy principles apply to all regional or minorities languages. In the framework of the European Charter for Regional or Minority languages, measures provided for in the above Act as regards the use of the languages in question are taken in respect of Russian, Belorussian, Bulgarian, Armenian, Gagauz, Yiddish, Crimean Tatar, Moldovan, German, Modern Greek, Polish, Romany, Romanian, Slovak, Hungarian, Carpathian Russian, Karaim and Krymchak.

137. The above measures are adopted where users of one of the above languages account for at least 10 per cent of a region's population. Data on the implementation of the above Act regarding the recognition of specific languages in the country's administrative areas are provided in annex 9.

138. On the basis of local council decisions taken in the light of specific circumstances, steps towards recognition of a language as regional may in certain cases be taken if the respective regional language groups account for at least 10 per cent of the population of the region concerned.

139. A discussion on measures regarding the use of regional or minority languages may also be initiated by the inhabitants of a region where the language concerned is spoken.

140. If at least 10 per cent of the inhabitants of the given region sign the relevant petition, the local council is obligated to take a decision within 30 days from the receipt of the lists of signatures. The local council's acts or failure to act may be challenged in court through the appropriate administrative procedures.

141. The procedure for forming an initiating group and compiling lists of signatures is specified in the legislation on referendums.

F. Right of access to places intended for use by the general public

142. The right of access to places intended for use by the general public is embodied in the legislative principle of equality of all citizens regardless of race or ethnicity. No breaches of the right in question on racial or ethnic grounds have been recorded in the country.

Article 6 Access to justice

143. The courts consider complaints of violation of anti-discrimination provisions of international and domestic law in accordance with the procedure prescribed in existing legislation.

144. There has been no change concerning the information contained in paragraphs 284-287 and 297-300 of document CERD/C/UKR/19-21.

Article 7

Measures to combat prejudices leading to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups

A. Education

145. Pursuant to the Constitution and the legislation in force, the Ministry of Education and Science, the education authorities, the general education establishments, the out-of-school education establishments, the vocational and technical institutes and the higher education institutions of all types and accreditation levels are systematically working to prevent violations of the equality of citizens' rights on the grounds of race, ethnicity or attitude to religion.

146. The Public Council of Heads of Educational Programmes of Nation-wide Voluntary Associations of Ethnic Minorities of Ukraine, a body attached to the Ministry of Education and Science, was created by Order No. 860 of 14 September 2009 of that Ministry in order to improve the organizational and legal conditions for the realization of the citizens' constitutional right to participate in the conduct of public affairs, ensure openness in the activities of the Ministry, take account of public opinion in the preparation and organization of the implementation of its decisions and maintain ongoing dialogue with the community. The Council is a consultative and advisory body designed mainly to represent the interests of ethnic minority community organizations as they cooperate with the Ministry in the formulation and implementation of State policy on inter-ethnic relations, and to help to satisfy the educational needs of ethnic minorities.

147. The Council includes one representative of each of the nation-wide voluntary associations of ethnic minorities, who has been proposed by the association (its head, deputy head or member responsible for educational activities).

148. In order to meet the language needs of ethnic minorities, the Ministry of Education and Science prints every year textbooks in native languages for children attending general education grades 1-11. The print run and value of such textbooks were, respectively, 901,200 copies and 24,407,600 hryvni in 2011, 2,051,400 copies and 48,430,200 hryvni in 2012 and 1,826,000 copies and 46,168,800 hryvni in 2013.

149. The Ministry and the education authorities take appropriate measures to strengthen reciprocal comprehension among all population groups and to inculcate respect, understanding and tolerance for ethnic minority and racial or ethnic group members (further information is provided in annex 10).

B. Culture

150. The annual State budget includes funding for events designed to meet the cultural, linguistic and information needs of ethnic minorities. Such funding is allocated to the appropriate central government agencies under specific State budget programmes, under the provincial and local budgets and under the budget of the Autonomous Republic of Crimea.

151. Members of ethnic minorities have the possibility to participate effectively in cultural life and State affairs, particularly those affecting their ethnic development.

152. Voluntary associations of ethnic minorities participate extensively in the State authorities' decision-making processes in connection with issues affecting the ethnic minorities' development.

153. The Ministry of Culture systematically encourages ethnic minorities to participate directly in their own ethnic development processes. To that end, the Public Council

attached to the Ministry includes a commission on inter-ethnic relations. The Ministry views such cooperation with ethnic minorities as crucial to the effective review and solution of vital problems faced by ethnic minorities.

154. Councils on ethnic and nationality policy affairs have been established in the Volyn, Donets and Luhansk provincial administrations. Provincial councils consisting of representatives of ethnic culture associations have been set up in the Vinnytsya, Zaporizhzhya, Kirovohrad, Mykolaiv, Odesa and Ternopil provincial administrations; and a council of nationalities has been created in the State administration of Kyiv city. In the Zakarpattia province, the Public Council includes a commission on ethnic matters.

155. In the provinces of Dnipropetrovsk, Donets, Zhytomyr, Ivano-Frankivsk, Lviv, Mykolaiv, Odessa, Poltava, Rivne, Sumy, Kharkiv, Khmelnytsky, Chernivtsi and Chernihiv, the Public Councils attached to provincial administrations include representatives of ethnic minority voluntary associations.

156. State funding is indirectly allocated to various cultural awareness-raising activities, inter alia minority language days, minority language competitions and contests, seminars and conferences on ethnic development issues, and publication of textbooks, dictionaries and reference books in minority languages and of teaching methods for Sunday schools.

157. As part of culture- or art-related events, Ministry of Culture representatives, in order to prevent intolerant attitudes based on ethnic or racial differences, organize meetings, conferences, seminars, and awareness-raising activities promoting equal human rights and freedoms regardless of racial, ethnic, language or religious differences.

158. To support and develop ethnic cultures, the above Ministry has for many years cooperated actively with ethnic minority voluntary associations. Systematic efforts are made to help to organize and fund initiatives undertaken by ethnic culture or art associations in various parts of the country in order to develop the traditions and cultures of all ethnic groups.

159. In the period 2010-2013, the above Ministry, under a relevant budget programme, provided financial assistance for cultural activities to ethnic minority voluntary associations (see annex 11). Thus, 4,933,100 and 144,000 hryvni were allocated to activities aimed at, respectively, restoring the culture of ethnic minorities and implementing the European Charter for Regional or Minority Languages.

160. State cultural institutions contribute significantly to combating xenophobia or inter-ethnic or racial intolerance in society. For instance, libraries and museums engage in educational work to foster tolerance and respect for the culture, language, customs and traditions of various ethnic groups.

161. In order to promote such tolerance and respect, State libraries carry out awareness-raising activities (inter alia, debates, training and lectures) for the readers, primarily young persons.

162. State libraries have a substantial stock of literary titles in Russian, Polish, Romanian, Hungarian, Crimean Tatar, Moldovan, Slovak and other ethnic minority languages.

163. In cooperation with ethnic minority voluntary associations, local authorities organize regular meetings to resolve specific issues affecting the minorities; work to prevent xenophobia and discrimination based on ethnic or religious origin; and provide funding for events that promote the ethnic minorities' development.

164. Ethnic minority amateur theatrical, musical and folklore associations satisfy the cultural and artistic needs of the groups concerned. According to data provided by local executive authorities, almost 2,000 amateur associations attached to cultural organizations of ethnic minorities were active in late 2013.

165. Ethnic cultural centres also help to meet the above needs. According to data provided by local executive authorities, 116 such centres were active in late 2013.

Language policy adopted and implemented in Ukraine

166. Since August 2012, the use of languages in Ukraine has been governed by the Act on the Principles of State Language Policy. The implementation of that Act has revealed that some of its specific provisions are inadequate or lead to problems that aggravate, or negatively affect the development of, the ethnic policy situation in the country. Information on contradictory provisions of the Act is provided in annex 12.

167. Accordingly, it is crucial to amend the legislation on languages so as to eliminate a number of challenges that arose after the above Act entered into force, deepen the existing safeguards and rights enjoyed by ethnic minorities, and ensure that Ukrainian serves as the State language in all spheres of public life throughout the country.

168. The Government and the Verkhovna Rada are cooperating and encouraging a broad public engagement in improving the language legislation in force, which has met with mixed reactions and given rise to new challenges.

C. Information

169. Ukrainian television and radio companies frequently broadcast special programmes designed to promote a tolerant attitude towards members of other ethnicities and religions; and highlight issues related to the country's ethnic and nationality policies, and to the traditions, culture and life of ethnic minorities. Representatives of ethnic minority voluntary associations and members of various ethnic communities are invited to participate in such broadcasts.

170. The programmes of a number of provincial State television and radio broadcasting companies aim to promote tolerance and combat xenophobia and racial and ethnic discrimination in Ukrainian society. With the participation of local government authorities and communities, regional television broadcasts discussions, round tables and talks on combating and neutralizing neo-Nazism, xenophobia and extremism.

171. Newspapers address topics related to tolerance towards members of other races and nationalities, prevention of xenophobia and racism, and improved inter-ethnic relations. Current issues related to a spiritual and ethnic renaissance and to tolerant attitudes towards members of other races, peoples and religions or confessions are systematically discussed in the printed and electronic media.

III. Comments on the concluding observations

172. In its concluding observations of 19 September 2011 (CERD/C/UKR/CO/19-21), the Committee formulated, on a number of questions, remarks and recommendations which are addressed in this section.

Comment on paragraph 4 of the concluding observations

173. Under amendments made to the Ethnic Minorities of Ukraine Act in 2012, central government bodies specified by the President of Ukraine ensure the formulation and implementation of State policy on inter-ethnic relations and protection of the rights of the country's ethnic minorities (article 5); and, if necessary, local councils may create standing committees on inter-ethnic relations and local State administrations may set up units dealing with such relations.

174. According to the regulation of the Ministry of Culture, approved by Cabinet of Ministers Decision No. 495 of 3 September 2014, that Ministry is the central government body specifically authorized to deal with matters related to inter-ethnic relations, religion and protection of the rights of ethnic minorities. The tasks of formulating and ensuring the implementation of State policy on inter-ethnic relations and protection of the rights of ethnic minorities have been assigned to the division on ethnic minorities and the Ukrainian diaspora in the Ministry's department for religions and nationalities.

175. According to article 3 (1) (6) of the Act of 23 December 1997 on the Parliamentary Human Rights Commissioner, one of the goals of parliamentary oversight of the observance of human and civil rights and freedoms is the "prevention of any form of discrimination as regards a person's realization of his or her human rights". Under the Act on the Principles of Preventing and Combating Discrimination, a number of clearly specified additional powers in the area of combating all forms of discrimination were conferred on the parliamentary Human Rights Commissioner, who thus in practice became the national institution for such issues (for further details, see paragraphs 191-201 below).

176. In the regions, the competent local units of government agencies implement the State policy on inter-ethnic relations, contribute to the consolidation of the Ukrainian nation, preserve and develop the identity of ethnic communities, and ensure compliance with the legislation on the rights of ethnic minorities. In order to address the relevant issues effectively, provincial administrations have established cooperation with the regions' State administrations at district-level and municipal council executive committees, the law-enforcement agencies, the representatives of ethnic culture associations, and the interested voluntary associations.

177. The community relations department of the Ministry of Internal Affairs includes a section which monitors the compliance of internal affairs bodies with human rights, and cooperation with civil society. The section's responsibilities include combating racism and xenophobia.

178. The current Government firmly adheres to the principle that Ukraine is the homeland of all citizens, regardless of ethnic origin or religion. This is corroborated by the Government's recent decisions to create an inter-ethnic harmony board attached to the Cabinet of Ministers (Cabinet of Ministers Decision No. 195 of 4 June 2014) and to establish the office of the Government commissioner for ethnic and nationality policy matters (Cabinet of Ministers Decision No. 164 of 4 June 2014).

179. The composition, lines of action and tasks of the inter-ethnic harmony board were established at the first meeting of the board on 14 August 2014. The board's priority activities include the formulation of a framework for the ethnic and nationality policy of the State and the determination of the institutional basis for implementing that policy.

Comment on paragraph 5 of the concluding observations

180. Under article 3 of the Constitution, the human being and his or her life and health, honour and dignity, inviolability and security are recognized in Ukraine as the highest social value. Human rights and freedoms and the related guarantees determine the nature and purpose of the State's actions.

181. Under article 21 of the Constitution, all persons are free and equal in their dignity and rights, and human rights and freedoms are inalienable and inviolable.

182. Article 24 of the Constitution prohibits privileges or restrictions based on race, colour, political, religious or other beliefs, gender, ethnic or social origin, property status, place of residence, language or other grounds.

183. Under article 8 (3) of the Constitution, constitutional provisions are directly applicable and recourse to courts of law for the purpose of protecting constitutional human and civil rights and freedoms directly on the basis of the Constitution is guaranteed. Moreover, the legislation provides for combating discrimination.

184. The Act on the Principles of Preventing and Combating Discrimination in Ukraine, which was adopted by the Verkhovna Rada on 6 September 2012 and entered into force on 4 October 2012, lays down the organizational and legal framework for preventing and combating discrimination and guarantees equal opportunities for the realization of human and civil rights and freedoms (the text of the Act is contained in annex 1).

185. Under article 1 (2) (2) of the above Act, discrimination is a situation in which a person and/or group of persons experience, as regards the recognition, realization or enjoyment of any rights or freedoms established by the Act, restrictions based on race, colour, political, religious or other views, gender, age, disability, ethnic or social origin, citizenship, family or property status, place of residence, language or other circumstances, past, present or future, actual or presumed (hereafter referred to as “specific characteristics”), save in cases where such a restriction serves a legitimate, objectively substantiated goal to be attained by appropriate and necessary methods.

186. Under article 5 of the Act, discrimination manifests itself as:

- Direct discrimination;
- Indirect discrimination;
- Incitement to discrimination;
- Complicity in discrimination;
- Injury.

187. Under article 14 of the Act, a person who believes that he or she has been subjected to discrimination has the right to appeal to the State authorities, the authorities of the Autonomous Republic of Crimea, local government bodies, their officials, the parliamentary Human Rights Commissioner and/or the courts in the manner prescribed by law.

188. Under articles 15 and 16 of the Act, a person is entitled to damages for material and moral injury suffered as a result of discrimination. The procedure for such compensation is specified in the Civil Code and other legislation. Persons guilty of violating the law on preventing and combating discrimination incur civil, administrative and criminal liability.

189. Implementing the first legislative phase of the European Union Action Plan on Visa Liberalization for Ukraine, the Verkhovna Rada adopted on 13 May 2014 the Act on the Introduction of Amendments to Certain Enactments Related to Preventing and Combating Discrimination.

190. The above Act was adopted in order to take into account international standards and recommendations in the field of the protection of human and civil rights and freedoms, and international experts’ observations on the Act on the Principles of Preventing and Combating Discrimination in Ukraine, regarding in particular the definition of terms used in the Act, the expansion of the list of characteristics in respect of which discrimination is prohibited, the scope of the Act, the forms of discrimination and the powers of the parliamentary Human Rights Commissioner.

Comment on paragraph 6 of the concluding observations

191. According to article 3 (1) (6) of the Act of 23 December 1997 on the Parliamentary Human Rights Commissioner, one of the goals of parliamentary oversight of the

observance of human and civil rights and freedoms the “prevention of any form of discrimination as regards a person’s realization of his or her human rights “. Under the Act on the Principles of Preventing and Combating Discrimination, which entered into force on 4 October 2012, a number of clearly specified additional powers in the area of combating all forms of discrimination were conferred on the parliamentary Human Rights Commissioner, who thus in practice became the national institution for such issues.

192. Under article 10 of the Act on the Principles of Preventing and Combating Discrimination, the parliamentary Human Rights Commissioner, within the framework of parliamentary oversight of the observance of human and civil rights and freedoms and the protection of the rights of all persons in the territory of Ukraine and within its jurisdiction, prevents all forms of discrimination and, in order to combat it, he or she:

- Oversees the observance of the principle of non-discrimination in various areas of social relations, particularly in the private sector;
- Files with the courts complaints of discrimination to protect social interests and, in cases and according to procedures specified by the law, participates in court proceedings in person or through a representative;
- Monitors the observance of the principle of non-discrimination in various spheres and reports the findings;
- Examines complaints of discrimination filed by persons and/or groups;
- Registers and reports cases of discrimination in various spheres;
- Submits proposals for improving the legislation on preventing and combating discrimination, and for taking or terminating positive action;
- Provides conclusions regarding discrimination at the request of the courts;
- Draws up an annual report on the prevention and combating of discrimination and on compliance with the principle of non-discrimination;
- Cooperates with international organizations and the relevant foreign authorities in matters relating to observance of international standards regarding non-discrimination;
- Exercises other powers specified by the Constitution and other legislation.

193. In 2012, an office for matters related to the exercise of the rights of the child, non-discrimination and gender equality, comprising respectively two sections and a division, was set up in the secretariat of the parliamentary Human Rights Commissioner. The office is headed by a deputy Commissioner.

194. The parliamentary Human Rights Commissioner issued ordinance No. 23/02-13 of 15 November 2013, establishing a strategy for preventing and combating discrimination in Ukraine in the period 2014-2017 (hereafter referred to as “the strategy”),¹ with a view to the effective exercise of the powers conferred on the Commissioner in the area of non-discrimination.

195. The overall goal of the strategy consists in ensuring, through the activity of the Commissioner, the effective use of mechanisms for protection against discrimination and for the promotion of compliance with and respect for the constitutional principles of equality and non-discrimination.

¹ <http://www.ombudsman.gov.ua/images/stories/strategic%20plan.pdf>.

196. The strategy thus includes a number of strategic goals designed to ensure effective monitoring of the observance of the principle of non-discrimination and a reduction in the number of violations of the legal guarantees of equality and non-discrimination in general and with respect to especially vulnerable minority groups in particular. Those strategic goals include:

- Alignment of the national legal and regulatory framework and judicial practice as regards equality and non-discrimination with the international and European standards;
- Effectiveness of the system for monitoring the observance of the legal standards of equality and non-discrimination in the activities of State authorities and bodies under private law;
- Effectiveness of the response to isolated and recurrent manifestations of discrimination, and guaranteed remedies;
- Effectiveness of the system for promoting the principles of equality and non-discrimination through relevant information and awareness-raising activities;
- Functioning of strategic national and international partnerships that promote the principles of equality and non-discrimination.

197. In order to attain each of the above strategic goals, the strategy provides for various tasks, whose list is not definitive but may be adjusted in the light of changing and/or newly identified circumstances related to the combat against discrimination or of the results of monitoring and evaluation of the implementation of the strategy.

198. The tasks in question and the related activities are thus refined through annual action plans for the implementation of the strategy.

199. In the period 2010-2013, the parliamentary Human Rights Commissioner received 13,214 communications on matters involving equality and non-discrimination (see annex 13).

200. The most typical violations thus communicated, the steps taken by the Commissioner in response and the results of those steps are described in the Commissioner's annual report on the status of the exercise and protection of human and civil rights and freedoms in Ukraine in 2012 and 2013.

201. In the period 2012-2013, the parliamentary Human Rights Commissioner carried out 28 activities (training events, conferences, inspections, round tables and meetings) on the rights of ethnic minorities and non-discrimination. The main awareness-raising activities undertaken by the Commissioner in the period under review included a conference on drawing up legislation against discrimination in accordance with international and European standards (November 2012), a series of training events on the implementation of the Act on the Principles of Preventing and Combating Discrimination in Ukraine for the staff of central government agencies (December 2012), a similar series of training events for jurists (September - October 2013) and, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), a conference for judges (May 2013). Monitoring by the parliamentary Human Rights Commissioner focused on the observance of the rights of the Roma ethnic minority. In particular, inspections took place in the Zakarpattia, Odesa and Kirovohrad provinces in April, June and September 2013.

Comment on paragraph 7 of the concluding observations

202. According to Procurator-General's Order No. 57 of 1 August 2008 and Deputy Procurator-General's Order No. 58 of 13 May 2011, the Office of the Procurator-General

systematically assesses the state of procuratorial oversight of compliance with the law, aimed at overcoming expressions of ethnic and national intolerance and xenophobia.

203. That assessment is based on the examination of information provided by the central government agencies, the units of the Office of the Procurator-General, and the procurators of the Autonomous Republic of Crimea, the provinces and the cities of Kyiv and Sevastopol.

204. Equal rights violations based on a person's racial or ethnic background or religious beliefs are isolated occurrences in the country.

205. Pursuant to the Code of Criminal Procedure and section V of the regulation of the single register of pretrial investigations, which was adopted through Procurator-General's Order No. 69 of 17 August 2012, the implementation of a unified system for reporting criminal offences was assigned on 20 November 2012 to procuratorial authorities in their capacity as administrators of the single register of pretrial investigations.

206. In 2010, procuratorial authorities instituted criminal proceedings in six cases for offences under article 161 of the Criminal Code. Two of those cases went to court. In the same year, internal affairs investigators instituted criminal proceedings in two cases.

207. In 2011, procuratorial authorities instituted criminal proceedings in two cases under article 161 of the Criminal Code. The cases went to court and the offenders were convicted.

208. In 2011, internal affairs authorities instituted criminal proceedings in three cases for offences involving racial, ethnic or religious intolerance. All three cases went to court.

209. In 2012, procuratorial authorities instituted criminal proceedings in three cases for racial and ethnic intolerance and xenophobia under article 161 of the Criminal Code (in the Vinnytsya, Odesa and Chernivtsi provinces).

210. Thus, on 3 March 2012, the procurator's office of Odesa city brought charges under articles 161 (1) and 263 (1) of the Criminal Code against the leadership of the "Straight Road" organization for the distribution of a pamphlet entitled "Transgression against monotheism", which contained incitements to religious enmity and hate.

211. On 20 June 2012, two persons were indicted for criminal offences under articles 161 (1) and 263 (1) of the Criminal Code. The offenders were convicted.

212. In 2012, internal affairs authorities investigated two cases involving crimes against life, which had been motivated by racial or ethnic intolerance. The persons concerned were indicted.

213. In 2013, procuratorial authorities entered a notice concerning the commission of a criminal violation of equal civil rights of persons having different racial and ethnic backgrounds or religious beliefs into the single register of pretrial investigations.

214. Indeed, on 9 December 2013, the investigation service of the procurator's office of Lviv province instituted criminal proceedings for an offence under article 161 (2) of the Criminal Code.

215. Pretrial investigation into that criminal case is in progress at the time of writing of this report.

216. In September 2013, the Office of the Procurator-General conducted an inspection of procuratorial activities in the Vinnytsya province to verify that government authorities and law-enforcement agencies fully implemented the legislation on ensuring inter-ethnic and inter-religious harmony and preventing ethnic, racial and religious enmity.

217. Based on the findings, representations were made on 25 September 2013 to the heads of the Chernivtsi province State administration and of the Department of the Ministry

of Internal Affairs and the Directorate of the State Migration Service in the province, all of which had been audited. One official was held liable in each of those authorities.

218. On the basis of checks undertaken with regard to xenophobia, migration and refugees, procurators made representations in 2013 to central and local government bodies in 45 cases. Of the 23 officials who incurred disciplinary liability, 10 worked in the State Migration Service.

219. According to the single register of pretrial investigations, in the course of 2013, investigative units of internal affairs bodies were working on 62 criminal cases involving violations of legislation against racial or ethnic intolerance xenophobia.

220. The investigations led to the closure of 44 criminal cases under the first part of article 284 (2) of the Code of Criminal Procedure (absence of a criminal offence in the act).

221. Three criminal cases in the above category (one under article 161 (2) and two under article 129 (2) of the Criminal Code) were referred to the courts.

222. In 2013, courts of first instance heard six cases involving 15 persons, who were charged with offences involving racial or ethnic intolerance and xenophobia.

223. Measures taken by government bodies and law-enforcement agencies have contributed to a steady decrease in occurrences of racial or ethnic intolerance and xenophobia. This is corroborated by the findings of relevant international NGOs and other bodies, particularly the Simon Wiesenthal Centre, an authoritative Jewish organization, and by Euro-Asian Jewish Congress annual reports on xenophobia.

224. At the level of everyday life, normal and friendly relations predominate among all ethnic groups, as attested by 2012 monitoring data of the Sociology Institute of the Ukrainian Academy of Sciences. Of the respondents asked whether they had in the last 12 months encountered cases of discrimination against members of given ethnic groups, 8 per cent confirmed such cases against Ukrainians, 4 per cent against Russians, 3 per cent against Jews, and 3 per cent against other ethnic groups. Of the respondents, only 2 per cent reported conflicts, in the preceding month, with persons who demean the national dignity of others; and for only for 0.3 per cent could language be the reason for leaving their home town. All this reveals a high degree of inter-ethnic tolerance.

225. Although xenophobic occurrences were expected to increase significantly as a result of the country's aggravated social and political conflicts in late 2013 and early 2014, available information suggests that such incidents clearly aimed to provoke trouble and were due to attempts by specific political forces to destabilize the situation in the field in question.

226. Under those conditions and in view of the national interests of the State, the main task of law-enforcement agencies and government bodies is the prevention of circumstances conducive to an escalation of such situational offences into organized forms of criminal activity.

227. Since the temporary occupation of the Autonomous Republic of Crimea by the Russian Federation, the occupation authorities have been engaging in targeted activities against the indigenous Crimean Tatar population and the Ukrainian-speaking citizens living in the occupied territory. Such activities may be characterized as racial discrimination.

Comment on paragraph 8 of the concluding observations

228. See paragraphs 180-190 above.

Comment on paragraph 9 of the concluding observations

229. See paragraphs 180-190 above and 230-247 below.

Comment on paragraph 10 of the concluding observations

230. In line with its powers and functions regarding the preservation of national and inter-religious harmony, Ukraine's Security Service engages in ongoing activities to prevent anti-Semitic and xenophobic acts, whose increase may lead to socially destabilizing processes and harm the country's international image. Focus is placed on preventing such offences, on assisting law enforcement bodies in handling unlawful acts of ethnic enmity against members of minorities, and mainly on helping the police, whose responsibilities include investigation into crimes under article 161 of the Criminal Code.

231. The Ministry of Internal Affairs takes steps to prevent the destructive activity of radical religious-political organizations, some of which are foreign, and occurrences of racism and xenophobia, investigate such offences and hold the offenders accountable according to the law. In particular, in order to prevent the creation and contain the influence of openly intolerant structures, youth activities are consistently monitored, and the leaders, active participants, other members and supporters of radical organizations are identified.

232. When there is advance information on large-scale events planned by such organizations, the police undertake preventive work with the leaders, informing them of the relevant legislation.

233. In line with current law-enforcement standards, the Ministry of Internal Affairs is running a series of organizational and practical activities to create and maintain conditions favourable to the comprehensive protection of the rights and freedoms of members of ethnic minorities.

234. Pursuant to the regulation of the Ministry of Internal Affairs, any offence resulting in damage to an alien is dealt with by the Ministry's top authorities.

235. In order to avoid violations of citizens' rights by internal affairs staff, the leadership of the Ministry of Internal Affairs and of regional authorities takes steps to upgrade the staff's professional level and mastery of modern criminal investigation procedures by improving its training through intensive learning and wide use of training courses, and by combining theoretical exercises with practical law enforcement work.

236. In order to prevent offences against aliens or ethnic minorities, internal affairs bodies establish, within their territorial jurisdiction, itineraries for the details of the Patrol Service, the Vehicle Inspectorate and the State Defence Service in localities with a high density of the population groups concerned.

237. Meetings with representatives of the African and other diasporas are held on a regular basis.

238. Ministry of Internal Affairs representatives regularly participate in briefings, round tables and meetings with representatives of other law enforcement institutions, military and security forces and various civil society organizations on issues relating to overcoming xenophobia in the country and preventing offences motivated by racial hatred.

239. Measures are taken and various forms of monitoring are used to ensure that the staff complies with the law throughout the system of internal affairs agencies. Efforts are made to improve cooperation with the regional media in order to raise awareness of the work done by those agencies and to provide the public with full, objective and timely information on steps taken to enhance the protection of citizens, including members of ethnic minorities, against offences and to ensure public safety and the rule of law.

240. Any violation of rights or freedoms of members of ethnic minorities by the staff of internal agencies triggers an official investigation and any offenders thereby identified incur liability according to the law.

241. There is close cooperation with international governmental and non-governmental organizations, in particular the embassy of the United States in Ukraine, the delegation of the International Organization for Migration (IOM) in Ukraine, the American Association of Jurists, the La Strada-Ukraine International Women's Rights Centre, the OSCE project coordinator in Ukraine and other organizations which contribute to the protection of the rights and legitimate interests of hate crime victims.

242. With a view to more effective cooperation with international organizations, various countries and their law-enforcement agencies in combating hate crimes, a memorandum of understanding was signed on 5 July 2012 between the Ministry of Internal Affairs and the Office for Democratic Institutions and Human Rights of OSCE (hereafter referred to as ODIHR). An ODIHR programme for training the staff of law-enforcement agencies in combating hate crimes began to be implemented under that legal and regulatory instrument.

243. On 13 November 2012, a workshop on the implementation of the above programme was held with representatives of ODIHR and of departments of the Ministry of Internal Affairs.

244. Pursuant to the afore-mentioned memorandum of understanding, Ministry of Internal Affairs Order No. 401 of 25 April 2013 established a national working group for the implementation of the programme in question. The working group includes representatives of the Ministry and of ODIHR, the representative of IOM in Ukraine and a representative of the parliamentary Human Rights Commissioner.

245. On 9 September 2013, the national working group met in the Ministry of Internal Affairs to adopt a work plan for applying the memorandum of understanding, and to review, inter alia, the programme implementation plan, the law-enforcement personnel training procedure, the programme implementation stages in Ukraine, the preparation of training material, and methodological recommendations.

246. On 21 and 22 November 2013, the national working group held a regular meeting in Warsaw, Poland, to address various issues related to the training programme in question, to determine in particular the number and level of the groups of trainers and law-enforcement officials to be trained under the programme in police practices regarding the identification, characterization and investigation of hate crimes, and to discuss the programme curriculum.

247. As a result of recent events in Ukraine, actual programme implementation, namely the training of investigators and of the staff of public security units, higher education institutions and children's affairs police, has been suspended.

Comment on paragraph 11 of the concluding observations

248. Under article 36 (1) of the Constitution, Ukrainian citizens are entitled to freedom of association in the framework of political parties and public organizations for the exercise and protection of their rights and freedoms and for the satisfaction of their political, economic, social, cultural and other interests, with the exception of restrictions established by law for purposes of national security, public order, protection of public health or protection of the rights and freedoms of other persons.

249. The legal and organizational basis for the realization of the constitutional right to freedom of association and the procedure for the creation, registration, activity and termination of voluntary associations are laid down in the Voluntary Associations Act of 22 March 2012 (hereafter referred to as "the Act").

250. Under article 1, paragraphs 1 and 2 of the Act, a voluntary association is a freely formed group of individuals and/or legal entities under private law for the realization and protection of rights and freedoms and the pursuit of shared interests, particularly, inter alia, economic, social, cultural and environmental. Voluntary associations take the legal form of a public organization or a public union.

251. Article 4 of the Act prohibits the establishment and activities of political parties and civil society organizations that seek, through their programmes or actions, to destroy Ukraine's independence, overthrow the constitutional order, violate the sovereignty and territorial integrity of the State, undermine its security, usurp State power, propagate war or violence, or incite ethnic, racial or religious enmity or attacks on human rights and freedoms and public health. Voluntary associations may not operate paramilitary formations. Other restrictions on the right to freedom of association, including the creation and activity of voluntary associations, may be established exclusively by law in the interests of national security, public order, protection of public health or protection of the rights and freedoms of other persons. Voluntary associations may not exercise governmental power, save in cases specified by law.

252. Under article 3 of the Act, one of the rules governing the voluntary associations' formation and action is the principle of self-governance, according to which their members (participants) are entitled to verify on their own that their organization's activities comply with its goals, ascertain the aims of such activities, and ensure that no State or government authorities, no authorities of the Autonomous Republic of Crimea and no local government bodies interfere therein, save in cases specified by law.

253. Under article 22 (1)-(3) of the Act, the State ensures observance of the rights of voluntary associations. State authorities, the authorities of the Crimean Autonomous Republic, local government bodies and their officials and officers may not interfere in the activities of voluntary associations and vice versa, save in cases specified by law.

254. State authorities, the authorities of the Autonomous Republic of Crimea and local government bodies have the possibility to involve voluntary associations in the process of formulating and implementing State policy and resolving issues of local importance, in particular through consultations with such organizations on crucial questions of State and public life, through the preparation of relevant draft legislation and regulations, and through the formation of consultative, advisory and other auxiliary bodies attached to State agencies, to the authorities of the Autonomous Republic of Crimea and to local government bodies and including representatives of voluntary associations.

255. Under article 28 (1) of the Act, a court may, at the request of the registration authority, prohibit a voluntary association if there is evidence of violation of articles 36 and 37 of the Constitution and article 4 of the Act. Prohibition of a voluntary association implies termination of its activity, according to the procedure prescribed in the Act, and deletion from the list of voluntary associations.

256. Under article 22 (8) of the Act, State supervision and monitoring of a voluntary association's compliance with the law are exercised by executive authorities and local government bodies according to the procedure prescribed by law.

257. Under paragraph 1 of the regulation of the State Registration Service, approved by Cabinet of Ministers Decision No. 219 of 2 July 2014, the service in question constitutes the central executive authority that implements State policy on registration (legalization) of citizens' associations and other public groups.

258. In accordance with its tasks, the State Registration Service monitors whether voluntary associations observe the provisions of their charters, imposes, or requests the

courts to impose, penalties for violations of the law and, as appropriate, monitors the activity of charitable bodies (paragraph 4 (21) of the regulation).

259. State policy in the area of freedom of conscience continues to focus on ensuring inter-ethnic and interfaith harmony, preventing the spread of extremist political and religious ideologies, strengthening mutual understanding to eliminate prejudices and negative stereotypes, and promoting tolerance. To that end, a series of measures is being taken at the State level, including: aligning national legislation on freedom of religion and conscience with international legal and regulatory instruments on the protection of human rights and fundamental freedoms, introducing procedures specified by national law to combat abuse of the rights and freedoms of religious organizations, championing religious tolerance, ensuring equal opportunities for all religions to develop, and encouraging and comprehensively supporting dialogue between faiths and denominations.

Comment on paragraph 12 of the concluding observations

260. See paragraphs 248-259 above.

261. In view of the Russian Federation's aggression against Ukraine and support for the activities of the so-called Donetsk People's Republic and Luhansk People's Republic, which are terrorist and extremist organizations, on 22 July 2014 the Verkhovna Rada adopted Resolution No. 1597-VII entitled "Parliamentary declaration on countering the spread of international terrorism supported by the Russian Federation".

262. Ukraine proposes that the so-called Donetsk People's Republic and Luhansk People's Republic extremist organizations should be identified as terrorist organizations.

Comment on paragraph 13 of the concluding observations

263. Pursuant to the Code of Criminal Procedure, article 216 (Jurisdiction), the internal affairs investigative authorities conduct pretrial inquiries into criminal offences under article 161 (Violation of the equal rights of citizens on the grounds of their racial or ethnic origin or religious beliefs) and other articles, complemented with a provision for "commission of an offence motivated by racial, ethnic or religious intolerance".

264. The specific and clear definition of offences having racial motives in the relevant articles of the Criminal Code helps to disambiguate the characterization of such offences.

265. Investigation into offences motivated by intolerance has certain special characteristics not shared by inquiries into offences against life, health, the rule of law or civil rights and freedoms, and is therefore organized differently.

266. Indeed, violent offences prompted by intolerance are not always characterizable as such at the beginning of pretrial inquiry. The motive in question is related to the personality of the offender and thus can be established only once a suspect has been identified and indicted.

267. Such investigations require special know-how, particularly expertise in youth subcultures, politics, political parties and movements supporting the activities of nationalistic youth groups, or, with regard to conflicts involving religious intolerance, confessional matters.

Comment on paragraph 14 of the concluding observations

268. In the period considered, progress was achieved regarding the relations between Roma ethnic and cultural groups and government agencies. Joint efforts led to the identification of effective forms of cooperation and coordination in meeting the needs of the Roma ethnic minority.

269. Presidential Decree No. 201/2013 of 8 April 2013 on the strategy, up to 2020, for the protection of the Roma and their integration into society and Cabinet of Ministers Order No. 701 of 11 September 2013 approving the related plan of action were adopted in order to facilitate such protection and integration and ensure equal opportunities for the group's participation in social, economic and cultural life.

270. In implementing the above plan's component on raising the educational level, particular attention was paid to the educational needs of the Roma.

271. Pursuant to the Education Act and the General Secondary Education Act, Roma and other ethnic group children of school age are entitled to choose the form of tuition and the type of school that they attend.

272. Pedagogical associations of educational institutions and the representatives of the educational administration units of local State authorities and local government bodies work to raise awareness among the Roma, especially children and youth, of the significance of education. Roma parents are invited to parents' meetings and personal discussions, with the participation, where necessary, of childhood specialists of the services concerned, psychologists and social workers of the schools.

273. In the country's regions, the Roma children's right to accessible preschool education are fully protected. To that end, designated service areas are surveyed on an annual basis and parents are provided with full information on the various types of preschool education (inter alia, short duration classes and advisory centres). Teachers seek to increase the number of Roma children aged 3-6 in preschool educational establishments.

274. A programme entitled "Roma population of the Zakarpattia province, 2012-2015" and a plan of action for the implementation of the strategy, up to 2020, for the protection of the Roma and their integration into society have been launched in the province in question in order to improve the Roma's quality of life (through better conditions concerning, inter alia, their community, life, education, health and culture).

275. During public hearings entitled "Roma of Zakarpattia: status, experience and analysis of their problems", which were held in Uzhorod, Zakarpattia province, in October 2013, consultations took place on the protection of the rights of Roma, the satisfaction of their social, educational and domestic needs, the creation and development of social infrastructure in their settlements, land issues concerning the Roma, and certification of the Roma population.

276. Of the Roma children in Zakarpattia province, 8,802 are enrolled in general education schools and 1,119 (including 782 5-year olds) attend preschool establishments. In areas with a high density of Roma settlements, Roma children are encouraged to receive an education and, depending on the parents' choice, may learn or receive instruction in Hungarian or Ukrainian in the schools and preschool establishments.

277. During the 2013-2014 academic year, of the Roma students in the same province, 47 attended 11 technical and vocational establishments and 22 attended higher education institutions.

278. Roma pupils tend to attend school regularly in the early grades and to skip classes for no valid reason thereafter (citing lack of appropriate clothing, footwear or materials). The competent bodies monitor the living conditions of the children concerned and engage in delinquency prevention activities, awareness-raising talks with their parents, and ongoing monitoring of their school attendance.

279. A textbook for Roma Sunday schools and a book for extracurricular reading entitled "Roma country", with parallel Roma and Ukrainian texts, were published on the initiative of the Zakarpattia Postgraduate Teacher Training Institute.

280. Seeking to help the teachers in their work and taking into account the specific characteristics of teaching Roma children, the above Institute has prepared, and approved in a meeting of its scientific board, an indicative timetable for general education grades 1-4, which Roma children mainly attend. The timetable covers all subjects of the national curriculum adopted by the Ministry of Education and Science.

281. At its meeting, the scientific board also reviewed and adopted:

- The programme for an integrated “Roma language and literature” course for grades 5-9 in general education schools with instruction in Ukrainian or ethnic minority languages;
- A thematic timetable for an optional 34-hour course on Roma history.

282. “Integration of verbal and music skills in teaching Ukrainian in early grades in schools with instruction in Hungarian” and “Use of a heuristic system for teaching grades 1-4 (methodological recommendations based on experience in work with Roma pupils)” are ready for printing.

283. In 2012, the Zakarpattia Postgraduate Teacher Training Institute and the Zakarpattia Ethnic Minorities Cultural Centre launched an ongoing seminar on Roma history, folklore and traditions for teachers of general education establishments attended by Roma children.

284. In November 2013, the above Institute organized, at the Ferenc Rákóczi II Transcarpathian Hungarian Institute, an international workshop on “motivating young Roma to seek an education”, attended by the directors, deputy directors for education and teaching and teachers of the province’s general education establishments where Roma children study.

285. The staff of the Zakarpattia branch of the Institute of Innovative Technologies and Education Contents undertook to prepare a curriculum and materials on “Roma ethnography” for general education teachers.

286. The Rivne Provincial Postgraduate Teacher Training Institute has drawn up, for teachers and parents, methodological recommendations on preventing discrimination against, and stigmatization of, ethnic minority learners, including those of Roma origin. A procedure has been developed for psychological and pedagogical support for Roma minority children in preschool education. District or municipal psychological and pedagogical seminars and workshops concerning work in classes including Roma children are held for teachers, and lectures on preventing xenophobic tendencies and fostering, within the family, a tolerant attitude towards members of ethnic minorities, including the Roma, are organized for parents.

287. The work plan of the Khmelnytsky Provincial Postgraduate Teacher Training Institute includes an ongoing seminar on “psychological and pedagogical aspects of creating a multicultural environment in educational institutions attended by Roma”.

288. In the Chernihiv province, in order to raise the teachers’ educational level, improve their social skills, promote tolerance in their relations with learners, and inform teachers on factors conducive to the learners’ psychological development, the K. D. Ushinskiy Provincial Postgraduate Teacher Training Institute conducts seminars and training sessions on the province’s Roma ethnic minority and on ways to realize the rights of ethnic minorities in the country, as part of further training courses for teachers of history and law, deputy school directors for re-education work, school administrators, practising psychologists and educational social workers.

289. On 21 November 2013, representatives of the department of education and science of the Odesa province State administration and Roma voluntary associations jointly convened a working group to discuss issues related to the application of the plan of action

to implement the strategy, up to 2020, for the protection of the Roma and their integration into society.

290. The Ministry of Education and Science, with the participation of the education and science departments of the State administration of the Zakarpattia, Odesa, Kharkiv and Chernihiv provinces, are considering the provision of free transport to Roma students in areas with a high concentration of Roma.

291. The Ministry of Education and Science approved the first Roma language and literature study programme for general education grades 5-11 in 2004 and grades 1-4 in 2011, and a relevant curriculum that meets the new State standards for basic and full general education for grades 5-9.

292. Although the Ministry of Education and Science has prepared Roma language teaching materials for Roma children, neither the parents nor the children concerned have shown interest in learning that language.

293. The teaching staff at the country's general-education school and Roma voluntary associations encourage Roma learners to participate in extracurricular activities, particularly children's festivals, competitions, concerts and theatrical plays.

294. Since 2013, psychologists in the country's general education schools attended by Roma children have been providing such children with support aimed at their adaptation to the educational process.

295. The Ministry of Education and Science and the local education authorities constantly monitor the Roma children's education and address any related issues in cooperation with Roma voluntary associations.

Comment on paragraph 15 of the concluding observations

296. The State Migration Service takes steps on an ongoing basis to ensure that identity and citizenship documents are issued to members of the Roma ethnic group.

297. Part of the Roma population lacks identity documents and proof of a registered address. In other words, they are homeless citizens. However, under most laws and regulations, the exercise of civil rights (documentation, medical care, education and social assistance) is based on a person's place of residence.

298. Obtaining identity documents, in particular Ukrainian passports, remains an acute problem for the Roma. The main obstacle to the issue of passports is the lack or loss of birth documentation. It is difficult to identify all persons who have not duly applied for a passport on attaining the age of 16 because some Roma children attend no educational institutions and live outside municipal borders (in camps).

299. The entry into force of the Act on the Principles of Social Protection for Homeless Persons and Street Children in 2006 and of amendments thereto in 2010 has helped to address problems related to the Roma's certification and place of residence. Under that legislation, the Roma may use for documentation and registration purposes the address of social institutions or registration centres for homeless persons.

300. Currently, all Ukrainian citizens, including those of Roma origin, who apply to local offices of the State Migration Service for a Ukrainian passport and submit the necessary documents are issued a passport within a time limit prescribed by the law.

301. Under the plan of action, adopted by Cabinet of Ministers Order No. 701 of 11 September 2013, for the implementation of the strategy, up to 2020, for the protection of the Roma and their integration into society, regional bodies and the units of the State

Migration Service seek to take comprehensive measures to provide the Roma with identity and citizenship documents and to ensure the registration of their place of residence or stay.

302. The staff of district and municipal justice offices ensuring civil status registration may not arbitrarily refuse such registration to Roma applicants.

303. The media disseminate information on passports and related documentation for Ukrainian citizens.

304. The staff of the State Registration Service meets with representatives of Roma associations to discuss the issue of birth certificates and Ukrainian passports to members of the Roma ethnic minority.

305. Roma voluntary associations implement a number of projects, funded with grants, on the legal protection and certification of the Roma population.

306. In 2013, Ukrainian passports were issued under the current legislation to:

- 141 Roma in Volynka province;
- 1,272 Roma in Zakarpattia province;
- 110 Roma in Donetsk province;
- 8 Roma in Odesa province.

307. On the basis of the PR 3 statistical report form on “passports issued to Ukrainian citizens”, in which the State Migration Service has since 1 January 2014 been entering the number of Roma issued a Ukrainian citizen’s passport, 1,451 Roma received such passports in the first semester of that year.

Comment on paragraph 16 of the concluding observations

308. In view of Verkhovna Rada resolution No. 1140-VII of 20 March 2014 guaranteeing the rights of the Crimean Tatar people as a part of the State of Ukraine and the Government’s approval in April 2014 of the Declaration on the Rights of Indigenous Peoples adopted by the General Assembly of the United Nations, steps should be taken at the national and international level to ensure the rights in question.

309. Accordingly, the Government is considering the advisability, from an inter alia legal, financial, social and economic standpoint, of ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Comment on paragraph 17 of the concluding observations

310. Since Ukraine’s independence, State programmes and legal and regulatory instruments have been adopted to resolve the complex social and economic problems of persons deported on ethnic grounds.

311. In the period 2010-2013, the social, economic and cultural problems of Crimean Tatar, Armenian, Bulgarian, Greek and German former deportees were addressed under the programme for resettlement and rehabilitation of deported Crimean Tatars and other ethnic group members having returned to take up residence in Ukraine, and their adaptation and integration into Ukrainian society in the period through 2015, which was approved by Cabinet of Ministers Decision No. 637 of 11 May 2006 (as amended).

312. Under that programme, State funding was used to construct housing for returnees, build utility infrastructure in areas with a high concentration of returnees, adopt social measures, reimburse deportees for travel and shipment expenses, provide them with lump-sum benefits to complete construction of their homes, supply textbooks and teaching aids to schools whose language of instruction is Crimean Tatar, develop broadcasting media and

the press in the returnees' language, hold regional, national and international festivals, celebrate national holidays and organize large-scale cultural events for Crimean Tatars, Armenians, Bulgarians, Greeks and Germans.

313. On 17 April 2014, the Verkhovna Rada adopted Act No. of 1223-VII on restoring the rights of persons deported on ethnic grounds, in order to strengthen legislatively the legal framework for the State policy on the return, regularization and restoration of the rights of the persons in question.

314. Verkhovna Rada resolution No. of 1140-VII of 20 March 2014 provides for, in particular, preparing and implementing practical mechanisms for relations between Ukrainian government bodies and the Mejlis (parliament) of the Crimean Tatar people and drawing up Ukrainian legal and regulatory instruments specifying and establishing the status of Crimean Tatars as an indigenous people of Ukraine.

315. By Decree No. 657 of 20 August 2014, President P. Poroshenko appointed Mustafa Dzhemilev presidential commissioner for the affairs of Crimean Tatars.

316. Of the 270,892 former deportees residing in the Autonomous Republic of Crimea on 1 January 2014, 265,985 were Crimean Tatars, 589 Armenians, 855 Bulgarians, 2,579 Greeks and 884 Germans.

317. The Crimean Tatar population in the city of Sevastopol and the province of Kherson is, respectively, 4,000 and 7,014.

318. Approximately 100,000 Crimean Tatars are still outside Ukraine and may return to Crimea.

319. Former deportees constitute 13.8 per cent of the population of the Autonomous Republic of Crimea (except Sevastopol).

320. Since 1991, the State budget has included a separate item to fund the resettlement of former deportees.

321. As of 20 February 2014, of the 300 settlements and residential districts with a high concentration of returnees, six were Armenian, Greek, Bulgarian and German, 75 per cent were supplied with water, approximately 87.5 per cent with power, less than 30 per cent with gas, and practically none with a sewer system or roads. The situation regarding the regularization of returnees is particularly difficult in rural areas.

322. In the period 2009-2013, in order to address the housing problem of deportees in rural areas, part of the budget allocations earmarked for the regularization of returnees was used to build homes in the villages of Ilichevo, Lenin district, Timofeevka, Dzhankoy district and Yarkoe Pole, Kirov district, Autonomous Republic of Crimea. Thus more than 100 rural residents were provided with housing. Water and gas pipes, power lines and transforming substations were set up in rural areas with a high deportee concentration.

323. Of the 1,304,100 hryvni spent under the State budget in the period 1991-2013 to meet the needs of deportees, 1,027,300 hryvni concerned capital construction and 276,800 hryvni social and cultural activities.

324. In that period, more than 3,500 houses and apartments were built and about 2,500 purchased (465,600 sq. m. in total) to provide housing to approximately 35,000 persons; 205.7 km of power, 940.8 km of water-supply and 506.7 km of gas-supply networks and 113.3 km of roads (with crushed stone coating) were constructed; and 10 schools offering instruction in Crimean Tatar were rebuilt.

325. According to information from the Land Resource Committee of the Autonomous Republic of Crimea, from 1 January 2013 to 20 December 2013, the heads of the regional offices of the State Land Resources Agency of Ukraine in the Autonomous Republic of

Crimea held individual meetings with 12,073 citizens, including 3,731 former deportees, to clarify the mechanism for allocating and registering land.

326. Of the 16,789 applications for land received from citizens by government agencies and local government bodies in the Autonomous Republic of Crimea, 2,596 were submitted by former deportees.

327. Of the 10,493 decisions to authorize the preparation of land use documentation or to proceed with land-ownership transfers adopted by government agencies and local government bodies in the Autonomous Republic of Crimea, 1,901 concerned citizens who are former deportees.

328. As of 1 January 2014, of the 46,700 Crimean Tatars (42.8 per cent of the total rural adult population) who obtained plots of land totalling 184,400 ha:

- 22,900 former deportees obtained land shares totalling 126,100 ha;
- 300 set up farms covering a total area of 5,900 ha;
- 1,600 joined newly created agricultural enterprises covering a total area of 8,500 ha;
- 21,900 persons obtained land for private farms covering a total area of 22,400 ha.

329. Moreover, 21,600 former deportees were authorized to prepare documentation for land use consisting in the operation of private farms covering a total area of 21,400 ha.

330. In 2013, deportees showed themselves less inclined to apply for land allotments to farm on, particularly in the steppe regions of Crimea.

331. According to information from the regional offices of the State Land Resources Agency of Ukraine, of the 415,200 land plots covering a total area of 49,900 ha and used for private housing construction, former deportees received 86,010 plots, covering a total area of 10,400 ha (20.9 per cent).

332. Of the 9,321 land plots covering a total area of 1,989.2 ha that were provided to citizens to carry out a commercial activity, former deportees received 1,204 plots totalling 73.79 ha.

333. In order to step up the resolution of land-related problems, a commission was established by a decision of 31 January 2001 of the Council of Ministers of the Autonomous Republic of Crimea to address issues related to the release of squatted land and its allotment to former deportees and other citizens to build and install services for residential housing in the city and province of Simferopol (hereafter referred to as “the commission”), and a plan of priority action was approved for the commission’s work.

334. Based on the work of the commission, on 15 February 2011 the Simferopol city council, at its tenth regular session, decided that a land tract in the Logovoe-2 district would be used to build and install services for residential housing, thus creating a new concentration area for former deportees and their families.

335. On 2 March 2011 the Simferopol city council decided, at its eleventh special session, sixth convocation, to allot to the “Spiritual Council of Muslims of Crimea” religious organization for ongoing use a 2.7 ha land plot in Simferopol city, to build a Soborna (Assembly) Mosque complex.

336. Of the 3,331 land plots allotted in the period 2011-2013 on the basis of the commission’s work, 1,759 and 1,572 are located in, respectively, Simferopol city and Simferopol province.

337. The following annual activities have been financed under the budget of the Autonomous Republic of Crimea, with funds earmarked for the social and cultural development of former deportees:

- One-off material assistance to returnees most in need;
- Reimbursement of the cost of accommodation in a hostel;
- Supply of drinking water to localities with numerous former deportees and no central water supply system;
- Publication of literature (inter alia literary, educational, pedagogical, journalistic and musical) in the returnees' native languages;
- Assistance for the development of media published in the returnees' native languages;
- Promotion of the returnees' native languages;
- Cultural events and entertainment for returnees.

338. Pursuant to Autonomous Republic of Crimea's Cabinet of Ministers Decision No. 39 of 12 March 2013 on measures to be taken in the same year for the deportees' social and cultural development and for inter-ethnic harmony in the Autonomous Republic of Crimea, 2,660,300 hryvni (including 420,700 hryvni used to meet liabilities payable in 2012) were allocated under the local budget.

339. Those funds served to carry out the following activities:

- Supply of drinking water to four localities with numerous (approximately 2,183) former deportees and no central water supply system (1,299,900 hryvni);
- Reimbursement of the cost of accommodation in a hostel for 141 deportees most in need (155,500 hryvni);
- One-off material assistance to 101 persons most in need (143,700 hryvni), including 12 fire victims;
- Assistance to 101 voluntary associations for 11 cultural events and entertainment (160,000 hryvni), including:
- Events on the occasion of the 100th anniversary of the birth of the Crimean Tatar composer Ilyas Bakhshish;
- The Crimean Tatar Khydyrlez national holiday;
- Events commemorating the victims of deportation from Crimea;
- The "Gezlev kapusy" international festival of Crimean Tatar and Turkish Culture at Yevpatoriya city;
- The "Eshil Ada" Crimean Tatar folk arts festival;
- The "Aksheykh chellerinde" regional festival of Crimean Tatar culture;
- The "Ichki nagmeleri" regional festival of Crimean Tatar culture;
- Events on the occasion of the 120th anniversary of the birth of Crimean Tatar poet, Turkic scholar and public figure Bekir Choban-zade;
- Armenian, Greek and German culture days;
- The "Bulgarian encounters" international festival of Bulgarian culture.

340. Efforts undertaken with the support of the Autonomous Republic of Crimea's National Committee on Inter-Ethnic Relations and Deported Citizens for the development of the returnees' native languages have included the following activities:

- Fourth "Philology without borders" international seminar on the occasion of the 120th anniversary of the birth of Bekir Choban-zade, held at Taurida National V. I. Vernadsky University, Simferopol city, on 23-25 October 2013;
- Assistance to the editors of the *Ian dyunya* newspaper and the *Yildiz* magazine (138,500 and 91,500 hryvni, respectively);
- Production of ready-to-print files of two educational titles, two educational and reference titles, and eight other titles.

341. In 2013, 771,700 hryvni were earmarked in the budget of the Autonomous Republic of Crimea for the following capital construction projects:

- Design and research for the construction of a multi-ethnic youth culture centre at the Crimean Engineering and Pedagogical University, Simferopol city (first construction phase: main building with dining hall): 400,000 hryvni;
- Construction of power supply lines in the north-western section of the town of Zuya, Belogorsk district (N. Chelebidzhikhana, Dzhafera Seydameta, Oguzkhana, Kyiv and Simferopol streets): 371,700 hryvni.

342. The promotion of instruction in native languages and the revival of ethnic cultures is crucial to the protection of ethnic minority rights. The possibility to satisfy educational needs is a key to the preservation of national or ethnic identities.

343. Of the 571 general education day schools functioning in the Autonomous Republic of Crimea during the 2013/14 school year and attended by 176,400 learners:

- 7 use Ukrainian as language of instruction (in 103 classes attended by 2,200 learners);
- 15 use Crimean Tatar as language of instruction (in 182 classes attended by 3,000 learners);
- 1 uses Crimean Tatar and, in separate classes, Ukrainian as languages of instruction (in 40 classes attended by 809 learners);
- 368 use Russian as language of instruction (in 4,864 classes attended by 97,000 learners).

344. The following general education schools using two or three languages of instruction functioned in the Autonomous Republic of Crimea:

- 133 with Ukrainian and Russian;
- 20 with Crimean Tatar and Russian;
- 27 with Ukrainian, Crimean Tatar and Russian.

345. Of the total number of learners, 12,600 (7.2 per cent) receive instruction in Ukrainian, 5,500 (3.1 per cent) in Crimean Tatar and 158,100 (89.7 per cent) in Russian.

346. In the 2013/14 school year, 12,396 learners studied Crimean Tatar as a regular subject and 6,840 as an elective subject.

347. Of the 508 preschool establishments functioning in the Autonomous Republic of Crimea during the 2013/14 school year and attended by 60,100 children, three kindergartens use Ukrainian as language of instruction and childcare, one uses Crimean Tatar, one Ukrainian and Crimean Tatar, and all others Russian.

348. In the 2013/14 school year, with the help of the international Peace Action Training and Research Institute of Romania (PATRIR), the “Crimean school” pilot project for the introduction of multilingual education was launched in four preschool establishments, in the framework of the Crimea Policy Dialogue Project.

349. In 23 preschool establishments using Russian as language of instruction, 33 groups using Crimean Tatar as language of instruction and of childcare have been set up and are attended by 820 children (1.4 per cent of the total).

350. Of the 893 learners studying eight ethnic minority languages (Armenian, Bulgarian, Karaim, Modern Greek, German, Estonian, Korean and Hebrew) during the 2013-2014 school year, 725 attended general education schools and 168 attended cultural and educational centres.

351. In order to meet the educational needs of Crimean Tatars, efforts are made to supply textbooks and other teaching and learning materials to general educational institutions providing tuition in Crimean Tatar.

352. In particular, in the period 2011-2013, the Ministry of Education and Science, in line with State primary and general secondary education standards, published 101 textbook titles in Crimean Tatar for grades 1, 2, 3 and 5, with an overall print run of 103,207 copies. Textbooks for grade 6 are ready for publication, and textbooks for grades 4 and 7 are in progress.

353. Textbooks are provided for grade 7-11 students, whose education is still subject to the earlier educational standards.

354. The Crimean Engineering and Pedagogical University and the Taurida National V. I. Vernadsky University’s philology department provide basic training for teachers of the Crimean Tatar language and literature.

355. In the Crimean Engineering and Pedagogical University, 7 faculties are attended by 7,000 students specializing in 23 areas. Of the more than 500 instructors teaching in 32 departments, 43 are doctorate holders or professors and 226 PhD holders and assistant professors.

356. In October 2005, a department of Crimean Tatar and Turkish philology was set up in the faculty of philology of the Crimean Engineering and Pedagogical University, created in 1994. One of the priorities of that department is the preservation and development of the Crimean Tatar language. That is a daunting challenge, given that Crimean Tatar is listed among the languages threatened with extinction.

357. A Crimean Tatar language and literature scientific research centre has been established in the same University.

358. Instructors of the Modern Greek language and literature are trained at the department of foreign philology of the Taurida National V. I. Vernadsky University.

359. The preservation and development of traditional culture is crucial to the identity of any ethnic group. In late 2013, approximately 91 Crimean Tatar, three German, five Greek and two Armenian amateur groups functioned in the Autonomous Republic of Crimea. Ethnic creative associations participated actively in national, country-wide and international events.

360. Exhibitions on the history and culture of ethnic minorities have been organized in museums in the Local History Museum of the Autonomous Republic of Crimea, the Simferopol Museum of Art, and city and district local history museums elsewhere. An exhibition entitled “Cultural Mosaic of the Peoples of Crimea” was produced at the Crimean Ethnographic Museum. There are also a Crimean Tatar museum of art (a Crimean

national institution), a Crimean Tatar folklore ensemble (“Crimea”, a national organization), and the Khaytarma (“Return”) ensemble.

361. The Crimean Tatar Academic Music and Drama Theatre, a Crimean national organization established in 1901, is the world’s sole Crimean Tatar theatre.

362. The identification, study, restoration and protection of historical and cultural landmarks constitute an integral part of the process of reviving ethnic cultures.

363. The State protects dozens of sites of significance to Crimean Tatars, Armenians, Greeks and Germans. In the period under review, restoration work was completed on the Juma-Jami mosque in Yevpatoriya, the Mufti-Jami mosque in Feodosiya, the Yusupov mosque in the village of Sokolinoe in Bakhchysaray district, the Kebir Jami mosque in Simferopol, the Armenian church in Feodosiya, the Armenian monastery in Staryj Krim, the Khan’s palace, the Zincirli madrasah and the Gazi-Mansur cemetery in Bakhchysaray, the bazaars and Turkish bath in Yevpatoriya, the memorial complex where Ismail Gasprinsky is buried and the house in which he lived and worked, and other historical and cultural sites.

364. The creation of ethnic television and radio editorial units in the “Crimea” State television and radio company and of ethnic print media promotes the ethnic groups’ constitutional right to freedom of opinion and speech, and the free expression of his or her views and beliefs.

365. In late 2013, the “Cooperation” editorial unit, a creative association for Crimean Tatar programmes, produced “Crimea” company broadcasts in Ukrainian, Russian, Armenian, Bulgarian, Greek and German.

366. “Cooperation” worked with ethnic culture associations in Crimea to create high quality television programmes in a variety of genres and forms, fully reflecting the wealth of Crimea’s multi-ethnic culture.

367. In 2013, financial support totalling 700,000 hryvni was provided to the *Crimea* social and political newspaper, the *Maarif ishleri* newspaper, the German newspaper *Hoffnung*, a Greek newspaper, the *Armanchik* children’s journal, the *Tasil* and *Anna tili odzhalarina* educational periodicals, and the *Golub Masisa* Armenian journal.

368. One of the factors that help the State’s efforts to solve the social, economic and cultural problems of Crimean Tatars consists in their increased involvement in decision-making on matters of interest to them. Direct representation of deportees in bodies of power at the various levels has been an effective way of promoting such involvement.

369. The work done by executive and local government bodies to recruit former deportees into central and local government service has produced positive results, with increasing numbers appointed as civil servants and local officials.

370. Crimean Tatars have been elected deputies to the Verkhovna Rada of Ukraine (1 person), the Supreme Council of the Autonomous Republic of Crimea (6 persons), city and district councils (123 persons) and village or settlement councils (859 persons).

371. Overall, in late 2013 Crimean Tatars accounted for more than 14 per cent of deputies in the Autonomous Republic of Crimea.

372. During the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the occupation authorities have deliberately prevented the restoration of the political, social and economic rights of Crimean Tatars.

Comment on paragraph 18 of the concluding observations

373. In line with the measures to preserve the historical and cultural heritage of the Crimean Karaites and Krymchaks for 2013 approved through the Autonomous Republic of Crimea's Verkhovna Rada Decision No. 1090-6/12 of 26 December 2012, the following activities were carried out in 2013: Crimean Krymchak and Karaite culture days; commemorations of the 140th anniversary of the birth of Hakham Shapshal, spiritual and secular leader of Crimean Karaites; a round table on the occasion of the 120th anniversary of the birth of B. Kokenay, an important Karaite public figure; publication of a 2014 Krymchak people's calendar and booklets on notable dates of Krymchak history; printing of Krymchak museum and ethnic culture centre archive documents; and preparation of a television documentary on "Krymchak traditions and ancient rites".

374. With the help of the education authorities of the Autonomous Republic of Crimea, the Krymkarailar association of Crimean Karaites opened three Sunday schools, where learners may study the Karaim language, history and culture.

375. An interschool elective course on the Karaim language was organized by order of educational administration authority of the Yevpatoriya city council dated 1 September 2011.

376. In 2011, in order to promote the activity of Karaim teachers, a full-time senior scientific position was established in the culture section of the Crimean Tatar language and literature scientific research centre in the Crimean Engineering and Pedagogical University.

377. The restitution of the building of the former Karaite kenasa at 6 Karaim Street, Simferopol city, has been considered but the building houses the radio facilities of the "Crimea" State television and radio company. Given the complexity of transferring communication connections elsewhere, none of the various options for relocating those facilities has been implemented.

378. In the period 2008-2009, Ukraine budget funds were earmarked for the construction of new radio facilities for "Crimea" but the work was not finished for lack of adequate financing.

379. In October 2012, the Ministry of Culture of the Autonomous Republic of Crimea re-examined the question of the use of the kenasa building by Karaite religious organizations. It was agreed that, until a definitive decision is taken concerning the restitution of the building, believers may conduct religious services in the great hall of the kenasa.

380. A museum of Karaite history and culture, part of the "Ancient Galich" national preserve, functions in Galich city, Ivano-Frankivsk province, where a Karaite settlement used to exist. On 17 September 2012, an international scholarly conference on "Karaites and their role in the global community" was held there. On the initiative of the above preserve, a miniature has been prepared for a commemorative sign to be placed at the site of the Galich city kenasa, which has been destroyed; and work has started on the preservation of the Karaite cemetery in the village of Zalukva.

381. In 2012, a booklet entitled *Mykolayiv Karaites* was published in Mykolayiv province, with provincial budget financing, by the "Murat" society for the study of Karaite history and culture. The publication refers to the history and culture of the well-known Mykolayiv Karaite settlement.

Comment on paragraph 19 of the concluding observations

382. Detailed information on the Rusyns (Ruthenians) in Ukraine is contained in paragraphs 559-582 of document CERD/C/UKR/19-21.

383. Meetings are held between top officials of the Zakarpattia province administration and the chairpersons of the provincial voluntary associations of ethnic communities in order to address the current problems of the province's Rusyn community.
384. In particular, on 17 April 2013 the deputy head of the Zakarpattia province administration met with representatives of voluntary groups that are part of the "Subkarpattia" people's association of Zakarpattia to discuss, inter alia, the protection of the rights of Rusyns, indigenous peoples and ethnic minorities, and the preparation for the country-wide population census.
385. On 28 May 2013, an international conference was held on the following subject: "The role of inter-ethnic and inter-religious tolerance in the consolidation of Ukrainian society: the experience of Zakarpattia".
386. On 7 November 2013, a round table was held on the following subject: "The European system for ethnic minority rights protection: recommendations and standards for the State's ethnic policy on the way to the European Union".
387. On 30 December 2013, top officials of the Zakarpattia province administration met with leaders of provincial ethnic-culture associations to consider further cooperation with the local State authorities and local government bodies and the promotion of tolerant relations in the multi-ethnic society of the province.
388. Leaders of the Rusyn provincial organizations participated in the above meetings, in which it was noted that the Rusyn community's long-standing request to acknowledge the Rusyn ethnic identity at State level may be addressed through the country-wide population census. Rusyn voluntary associations recommended undertaking, in connection with the census, extensive outreach activities under article 11 of the Ethnic Minorities of Ukraine Act, according to which Ukrainian citizens are entitled to choose freely and restore their ethnicity. Thus, every person will be able to choose his or her ethnic identity.
389. The local government bodies contribute to the satisfaction of the Rusyns' ethnic culture needs and to the promotion of their identity.
390. In the Zakarpattia province, 11 Rusyn provincial voluntary associations have been incorporated and are functioning. They operate municipal or district offices in the cities of Uzhorod, Mukacheve, Irshava, Khust, Mezhgore and Tyachev, and the Mukacheve, Svalyava, Vynohradiv, Tyachev and Perechin districts.
391. Local agencies of the Government and local government bodies assist Rusyn voluntary associations to meet their cultural and information needs. In particular, provincial television broadcasting time was used in 2005 to highlight the life of the province's Rusyns, while a single Russian-, Rusyn- and Roma-language editorial unit has been functioning in the Zakarpattia province television and radio company since its creation in February 2008. A newspaper entitled *Podkarpatskiy rusin*, founded by a Rusyn organization, is published.
392. The *Edinaya semya* digest presents the cultural and educational activities of Rusyn voluntary associations and information on the ethnic cultures of Zakarpattia province.
393. The annual "Chervenaruzha" provincial festival of Rusyn culture takes place with organizational and financial support from local agencies of the Government. The first international festival of Rusyn culture was held in 2012.
394. According to the Zakarpattia province "Rusyn school" charitable foundation, 23 Rusyn five-grade Sunday schools function in six districts of the province.
395. A centre for Rusyn studies is attached to the soym of Podkarpattian Rusyns. Rusyn community centres operate in the cities of Uzhorod and Mukacheve. Rusyn voluntary

associations may carry out activities specified in their charter, free of charge, in the Zakarpattia centre for ethnic minority cultures, which is financed under the local budget.

Comment on paragraph 20 of the concluding observations

396. The State Migration Service was created pursuant to Presidential Decree No. 1085 of 9 December 2010 on improving interaction between the central authorities.

397. According to its statute, approved by Presidential Decree No. 405/2011 of 6 April 2011, the State Migration Service is one of the central authorities and was created to implement State policy on migration (immigration and emigration), including illegal migration prevention, citizenship, and registration of refugees and other migrants of other categories specified by law. Under paragraph 2 of the Decree, the Ministry of Internal Affairs and the State Committee on Ethnic and Religious Affairs continued to perform functions transferred to the State Migration Service while its system of agencies was being organized.

398. Thus, in 2011, decisions on granting refugee status to aliens and stateless persons were taken by the above Committee. According to available statistics, of the 890 persons having filed relevant applications with the competent authorities in 2011, 187 applicants (21 per cent) were granted refugee status.

399. According to Act No. of 742-VII of 21 February 2014 on the reinstatement of certain provisions of the Constitution, the Cabinet of Ministers may create, reorganize or terminate ministries or other central authorities. The State Migration Service regulation was approved by Cabinet of Ministers Decision No. 360 of 20 August 2014 pursuant to the final provisions of that Act.

400. The Act on Refugees or Persons in Need of Subsidiary or Temporary Protection, which entered into force on 4 August 2011, introducing two new protection procedures, additional and temporary, began to be implemented in 2012.

401. Aliens' and stateless persons' applications for recognition as refugees or persons in need of subsidiary protection are reviewed by officials of the State Migration Service and its regional agencies in accordance with the above Act and with Ministry of Internal Affairs Order No. 649 of 7 October 2011 approving regulations for the consideration of applications and completion of the documents required to request recognition, or reversal of a decision on recognition, as a refugee or as a person in need of subsidiary protection, and for the loss or withdrawal of refugee status or subsidiary protection.

402. In 2012, the regional agencies of the State Migration Service reviewed 1,573 applications of aliens and stateless persons, mainly from Afghanistan, Somalia and Syria, for recognition as refugees or persons in need of subsidiary protection. Of the 152 persons granted protection in Ukraine in that year, 63 were recognized as refugees and 89 as persons in need of subsidiary protection.

403. In the first half of 2014, the regional agencies received applications from 553 aliens for recognition as refugees or persons in need of subsidiary protection. As of 1 July 2014, pursuant to State Migration Service decisions, 68 aliens had been recognized as refugees and 125 as persons in need of subsidiary protection.

404. The State Migration Service fully and appropriately performs its tasks and functions with regard to refugees and other categories of migrants specified by the law.

405. According to the Act on Refugees or Persons in Need of Subsidiary or Temporary Protection, upon applying to the competent authorities for recognition as a refugee or person in need of subsidiary protection, an alien or stateless person receives a certificate attesting the legality of his or her sojourn in Ukraine up to the definitive determination of

the applicant's status or his or her departure from the country, and entailing compliance with the rights and obligations specified in the Act or other enactments.

406. Pursuant to Ministry of Internal Affairs Order No. 228 of 11 March 2013 approving the procedure for the maintenance of a database of translators by the State Migration Service, registered with the Ministry of Justice on 22 May 2013 under No. 801/23333, the State Migration Service created the database in question. It is published on the official website of the State Migration Service and contains information on translators who may be used by State bodies for the review of applications from and interviews with refugees and other categories of migrants, and for their detention, legal assistance provided to them, review of cases involving refugees by administrative courts, expulsion of aliens and stateless persons from the country, pretrial inquiries and court hearings in relation to criminal proceedings and cases of administrative offences committed by refugees or migrants of other categories within the national territory.

407. A child's birth registration is carried out by the State civil registration authority, which at the same time establishes the child's parentage and confers to the child a family name, first name and patronymic, and is attested by a birth certificate (article 144 of the Family Code).

408. Under article 121 of the Family Code, the rights and duties of mothers, fathers and children are based on the fact of the child's birth, certified by the State civil registration authority as prescribed in articles 122 and 125 of the Code.

409. A child's birth registration is based on a written or oral statement made by one or both parents at the place of birth or at the parents' place of residence (article 13 (2) of the State Civil Registration Act).

410. In the event of death of the parents or other circumstances preventing them to register the birth, the registration is based on a statement by relatives, other persons or the authorized representative of the health establishment where the child was born or is currently treated (article 144 of the Family Code). Parents must register a child's birth with the State civil registration authority without delay, not later than one month after the child was born (article 144 of the Family Code).

411. Late registration of a birth, without valid grounds, by the parents incurs a fine equal to one to three times the minimum wage not subject to tax (article 212 of the Code of Administrative Offences).

412. State registration of births is based on the following documents:

(a) Medical record of birth (form No. 103/o, approved by Ministry of Health Order No. 545 of 8 August 2006, registered with the Ministry of Justice on 25 October 2006 under No. 1150/13024) issued by the health establishments, regardless of affiliation and form of ownership, where the births take place. In the case of non-institutional births, registration is based on a medical record of birth or a medical certificate of the child's presence under supervision in a health establishment (form No. 103-1/o, approved by the above Order);

(b) If the child is at least one year old, medical record of birth or a medical certificate of the child's presence under supervision in a health establishment;

(c) If the child was born on/in a seagoing or river vessel, aircraft, train or other means of transport, report, established by the competent officer (inter alia, the ship's captain, commander or train master) and attested by two witnesses and a physician or paramedic (if one was available on board). If no physician or paramedic was available, birth registration is based on the report and the afore-mentioned medical certificate of the child's presence under supervision in a health establishment (form No. 103-1/o);

(d) In the event of a stillbirth, medical record of prenatal death (form No. 106-2/0, approved by the afore-mentioned Order).

413. The above documents are submitted to the State civil registration authority recording the birth. In the absence of such documents, State registration of a birth is based on a court decision establishing the fact of the child's birth to the given woman.

414. In 2013, Ukraine acceded to the following international instruments:

- Convention relating to the Status of Stateless Persons (1954), pursuant to Act No. 23-VII of 11 January 2013 on the accession of Ukraine to the Convention in question. At the national political level, the accession will help to improve the protection of human rights in the country, the realization of the persons' right to protection by the State, and the recognition of the actual relation between a person and the State and of the State's right to broaden the said protection. For Ukraine, the Convention entered into force on 23 June 2013;
- Convention on the Reduction of Statelessness (1961), pursuant to Act No. 22-VII of 11 January 2013 on the accession of Ukraine to the Convention in question. At the national level, the accession will help to protect human rights, ensure the realization of the persons' right to protection by the State, recognize the actual relation between a person and the State and the State's right to broaden that said protection, and promote national solidarity and stability. For Ukraine, the Convention entered into force on 23 June 2013.

415. The above Acts were adopted in order to establish the principles and rules governing the status of stateless persons, including legal rights and the right to gainful employment, and to prevent discrimination in relation to citizenship.

416. Work is in progress on identifying stateless persons who have been living in Ukraine for a long time without identity papers, and providing them with such documents.

Comment on paragraph 21 of the concluding observations

417. The State Migration Service operates two temporary shelters for refugees, in the Zakarpattia province and the city of Odesa, with a capacity of, respectively, 120 and 200 persons.

418. In order to increase its capacity for temporary accommodation of asylum seekers, the State Migration Service is building a temporary shelter for 350 refugees in the city of Yagotin, Kyiv province.

419. The categories of asylum seekers entitled to accommodation in temporary shelters are clearly specified in the Act on Refugees or Persons in Need of Subsidiary or Temporary Protection.

420. The activity of the above temporary shelters for refugees is governed by the said Act and other regulations providing for compliance with the relevant international standards and rules.

421. In order to enhance the effectiveness of assistance to the most vulnerable categories of asylum seekers, the Plan to Integrate Refugees and Persons in Need of Subsidiary Protection into Ukrainian Society for the period to 2020, approved by Cabinet of Ministers Order No. 605-r of 22 August 2012, provides for the creation, according to established procedures, of temporary shelters for child refugees, the children of individuals recognized as persons in need of subsidiary protection, and those children separated from their families who have applied for recognition as refugees or persons in need of subsidiary protection.

Comment on paragraph 22 of the concluding observations

422. See paragraphs 180-190 above.

Comment on paragraph 23 of the concluding observations

423. Ukraine is considering the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and examining the question of acceding to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
