



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

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

Nineteenth to twenty-first periodic reports due in 2010

Ukraine*, **

[8 January 2010]

* This document contains the combined periodic report (nineteenth to twenty-first periodic reports) of Ukraine, due on 6 April 2010. For the seventeenth and eighteenth periodic reports, the Committee's concluding observations and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/UKR/18, CERD/C/UKR/CO/18 and CERD/C/SR.1776 and 1777.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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I. Introduction

1. The present report is submitted under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with the guidelines for the CERD-specific document, adopted by the Committee on the Elimination of Racial Discrimination at its seventy-first session (30 July–17 August 2007).
2. The nineteenth, twentieth and twenty-first reports, submitted in a single document, cover the period since the submission by Ukraine of the combined seventeenth and eighteenth reports.
3. General information on the country, including a description of its constitutional system and the results of the nationwide census conducted in 2001, are contained in the previous report (CERD/C/UKR/18).
4. Chapter III of the present report contains comments on the concluding observations formulated by the Committee (CERD/C/UKR/CO/18) in October 2006, following its consideration of the seventeenth and eighteenth periodic reports. The information on the most important events to have taken place in the reporting period has been supplemented to take account of the latest developments.
5. The report was prepared by the State Committee on Ethnic and Religious Affairs on the basis of materials provided by the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Foreign Affairs, the Ministry of Culture and Tourism, the Ministry of Education and Science, the Ministry for Family, Youth and Sport, the Ministry of Labour and Social Policy, the Ministry of Justice, the State Statistics Committee, the State Television and Radio Broadcasting Committee, the Procurator's Office and Supreme Administrative Court of Ukraine, and the parliamentary Human Rights Commissioner.
6. There is a significant focus in the report on elucidating the legislative, administrative and organizational mechanisms for guaranteeing human rights in Ukraine. The report describes the features of current legislation to safeguard human rights. A complete picture is given of the national mechanisms for civil, political, economic, social and cultural rights and of the degree of effectiveness with which international standards in this sphere are being implemented.

II. Implementation of the Convention's provisions

Article 1

Ukraine's policy on racial discrimination

7. Ukrainian legislation guarantees citizens the same rights and freedoms, and equality before the law, irrespective of race, sex, ethnicity, language, attitude to religion, social origin, beliefs or social status.
8. The equality of citizens before the law in all spheres of economic, social, political and cultural life is enshrined in article 24 of the Constitution of Ukraine, which states that: "Citizens have equal constitutional rights and freedoms and are equal before the law. Privileges or restrictions based on race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics are prohibited."
9. Citizens' equality before the law and the prohibition on discrimination based on ethnic or racial grounds are also embodied in the following laws and regulations:

- Code of Administrative Procedure
 - Code of Civil Procedure
 - Civil Code
 - Declaration on the Rights of Ethnic Groups
 - Ethnic Minorities of Ukraine Act
 - Other legislative acts of Ukraine
10. The legal framework for Ukraine's policy for the elimination of all forms of racial discrimination also comprises:
- The international human rights treaties ratified by Ukraine
 - The inter-State and interdepartmental agreements that regulate, directly or indirectly, the status of ethnic groups in the economic, cultural, political and other spheres
 - The resolutions and recommendations of the international organizations of which Ukraine is a member
11. It should be noted that, as a result of the prolonged cohabitation of different ethnic and religious communities in Ukraine, a tradition of inter-ethnic and interreligious toleration has developed, fostering stability, tolerance and mutual respect.
12. Ukraine's policy for eliminating racial discrimination in all its forms encompasses actions by central and local government bodies to create an atmosphere of inter-ethnic harmony and tolerance in society, as well as measures by those bodies to preserve the unique cultures of the country's ethnic minorities and ensure their integration in Ukrainian society.

Article 2

Obligations to condemn racial discrimination

13. The obligations Ukraine has undertaken not to sponsor, defend or support racial discrimination have been incorporated in article 24 of the Constitution. Ukraine has thus laid down guarantees in respect of the prohibition of racial and ethnic discrimination. This constitutional provision has been developed in legislation.
14. Under article 1 of the Ethnic Minorities of Ukraine Act, the State guarantees citizens of the Republic, irrespective of their ethnic origin, equal political, social, economic and cultural rights and freedoms and supports the development of ethnic consciousness and self-expression. According to the Act, all citizens enjoy the protection of the State on an equal basis. In safeguarding the rights of ethnic minorities, the State proceeds on the basis that these rights are an integral part of the corpus of universally recognized human rights.
15. In accordance with article 9, Ukrainian citizens belonging to ethnic minorities have an equal right to be elected or appointed to any post in legislative, executive or judicial bodies, in local and regional government, in the army, and in enterprises, institutions and organizations.
16. Article 18 of the Act stipulates that any direct or indirect restriction of citizens' rights and freedoms on grounds of ethnicity is prohibited and punishable by law.
17. Foreign nationals and stateless persons legally present in Ukraine enjoy the same rights and freedoms and have the same obligations as Ukrainian citizens, with the exceptions established in the Constitution, laws and international treaties of Ukraine

(Constitution, art. 26). These restrictions relate, in particular, to the electoral process and to universal military service.

18. Article 3, paragraph 2, of the Local Government Act states that no restriction may be placed on the rights of Ukrainian citizens to participate in local government on the basis of their race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, length of residence in the locality concerned, language or other characteristics.

19. The prohibition on the use of the media to incite racial, ethnic or religious hatred is incorporated in article 3 of the Print Media (Press) in Ukraine Act, article 2 of the Television and Radio Broadcasting Act and article 46 of the Information Act.

20. The Constitution (art. 37) prohibits the establishment and activity of political parties and civil society organizations that seek, through their programmes or actions, to propagate war or violence, incite ethnic, racial or religious enmity, or infringe on human rights and freedoms. Article 4 of the Citizens' Associations Act contains a similar provision.

21. Article 4 of the Freedom of Conscience and Religious Organizations Act stipulates that inciting enmity or hatred on religious grounds or causing offence to citizens in connection with their religious beliefs is punishable by law.

22. In accordance with article 161 of the Criminal Code, the violation of citizens' equal rights on grounds of race, ethnicity or attitude to religion incurs criminal liability.

23. Article 5, paragraph 1, of the Code of Civil Procedure states that the courts have a duty to respect the honour and dignity of all parties to civil proceedings and to administer justice on the basis of their equality before the law and the court, irrespective of race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics.

24. Under article 10 of the Code of Administrative Procedure, which guarantees the equality before the law and the court of all parties to administrative proceedings, no privileges may be granted to or restrictions placed on the rights of parties to administrative proceedings on the basis of race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics.

25. Article 6, paragraph 4, of the Code stipulates that foreign nationals, stateless persons and foreign legal persons enjoy the same right to court protection in Ukraine as Ukrainian citizens and legal persons.

26. Article 300 of the Civil Code guarantees natural persons the right to preserve their distinctive ethnic, cultural, religious and linguistic identity and to choose freely the forms and means of expressing that identity.

27. In the period since independence, no laws or regulations have been passed in Ukraine that create or perpetuate racial discrimination.

28. Every effort is being made, on the basis of the legislation currently in force, to ensure that Ukraine's ethnic minorities and their civil society organizations, as well as stateless persons and refugees, contribute to the country's cultural development as genuine partners.

29. Ukraine takes a clear, unambiguous stance on any manifestations of xenophobia and racial or ethnic intolerance.

30. To prevent the spread of xenophobia and racist and anti-Semitic material through computer systems, in April 2005 Ukraine signed the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

31. Efforts to combat ethnic and racial discrimination are constantly monitored by the President and Government of Ukraine and the central authorities.
32. On instructions from the President, an office for the development and implementation of a strategy to combat ethnically motivated offences has been established within the Ministry of Internal Affairs and, within the National Security Service, a unit for the detection and suppression of actions aimed at inciting racial or ethnic enmity; a post of Ambassador-at-Large to combat racism, xenophobia and discrimination has been instituted in the Ministry of Foreign Affairs.
33. The State Committee on Ethnic and Religious Affairs, as the central authority responsible for implementing State policy on inter-ethnic relations and protection of the rights of ethnic minorities in Ukraine, within the limits of its competence, takes preventive measures to avert any manifestation of intolerance or prejudice against individuals on account of their ethnicity.
34. The State Committee conducts a variety of outreach activities among members of various ethnic groups concerning equality of human and civil rights and freedoms irrespective of race, ethnicity, language, religious faith and membership of voluntary associations or groups; this work is conducted at national and regional cultural and educational events and through statements and articles in the media.
35. In early 2008, an Interdepartmental Working Group on combating xenophobia and ethnic and racial intolerance, comprising experts from executive bodies, scientists and representatives of voluntary associations, was set up under the Cabinet of Ministers with a view to combating xenophobia and racism in Ukrainian society in an integrated and systematic manner. The main aim of the Group's work is to develop systemic approaches to preventing any manifestations of intolerance or prejudice towards individuals on account of their ethnicity. The analysis of xenophobia, anti-Semitism and ethnic intolerance, the identification of their causes and the adoption of holistic approaches to countering those phenomena are important elements of efforts to achieve tolerance in Ukrainian society.
36. The activities of the Interdepartmental Working Group are accessible and open to the public. Representatives of Ukrainian and international human rights organizations and ethnic minority civil society organizations and others are enlisted in its work.
37. In accordance with its statute, the Group carries out its work mainly through meetings, which must be convened at least twice a year. Since most of the issues it considers need to be addressed in an efficient and timely fashion, meetings in fact take place quarterly.
38. The Interdepartmental Working Group, with the participation of interested executive bodies and civil society organizations, developed the Plan of Action to Combat Xenophobia and Racial and Ethnic Discrimination in Ukrainian Society for the Period 2008–2009, which was approved by the Cabinet of Ministers in August 2008 and sent to central and local government bodies for implementation.
39. The Plan of Action was amended to take account of the social situation in Ukraine and to respond in a timely fashion to various manifestations of xenophobia in the course of 2009; the amended Plan has had a positive impact on the inter-ethnic situation and has helped to inculcate tolerance.
40. The Interdepartmental Working Group, assisted by the government of the Autonomous Republic of Crimea and the State administrations in the provinces and in the cities of Kyiv and Sevastopol, is monitoring incidents of intolerance and racial enmity and, where necessary, reporting such incidents to the law enforcement agencies.

41. The Group has considered and brought to the attention of the authorities the issue of safeguarding the rights and freedoms of foreign students and “visible minorities” in Ukraine, as well as discussing problems associated with the activities of radical youth movements and organizations, the proliferation in the media of xenophobic material and of casual anti-Semitism and vandalism, and other matters.

42. On instructions from the Government and with assistance from the International Organization for Migration (IOM), the State television and radio broadcasting companies in the provinces have transmitted video clips and radio spots on social themes to counter xenophobia and racial intolerance, which, in the opinion of Ukrainian and international human rights bodies, has made a positive contribution to the development of tolerance in society.

43. The efforts of the Interdepartmental Working Group to maintain inter-ethnic peace, harmony and understanding and to prevent manifestations of xenophobia likewise have borne fruit, as evidenced by the absence of inter-ethnic conflict in Ukraine.

44. On 7 May 2009, the European Commission against Racism and Intolerance of the Council of Europe, with the involvement of Government bodies and international and Ukrainian human rights organizations, led a round table to develop general concepts for preventing racism and xenophobia in Ukraine.

45. On 29 May 2009, members of the Interdepartmental Working Group took part in a round table devoted to the search for effective methods of cooperation with ethnic minority civil society organizations to combat xenophobia, held at the office of the National Security Service.

46. The Group has developed the Plan of Action to Combat Xenophobia and Racial Intolerance for the Period 2010–2012. The Plan’s implementation will help to maintain inter-ethnic harmony and tolerance in Ukrainian society.

47. Information on the activities of the Interdepartmental Working Group and materials considered at its meetings are posted regularly on the web page of the State Committee on Ethnic and Religious Affairs (www.scmn.gov.ua).

Article 3

Condemnation of racial segregation and apartheid

48. There is no racial segregation or apartheid in Ukraine. Ukraine condemns practices of this nature and policies and ideologies that lead to intolerance or racial hatred. Ukraine’s foreign and domestic policies are developed on the basis of international standards, including the condemnation of apartheid and racial segregation. As a member of the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE), Ukraine has undertaken a number of obligations in respect of ethnic minorities.

Article 4

Legislative measures to eradicate incitement to racial discrimination or acts of such discrimination

49. Article 24 of the Constitution prohibits the direct or indirect restriction of citizens’ rights on the basis of race, colour, political or religious beliefs, sex, ethnic or social origin, or other characteristics.

50. Furthermore, the violation of citizens’ equal rights on grounds of race, ethnicity or attitude to religion is a criminal offence under article 161 of the Criminal Code.

51. In accordance with article 161, intentional acts aimed at inciting ethnic, racial or religious enmity or hatred, demeaning ethnic honour and dignity or causing offence to citizens in connection with their religious beliefs, and the direct or indirect restriction of citizens' rights or the granting to citizens of direct or indirect privileges on the basis of race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics, are punishable by a fine of up to 50 times the gross minimum income, or punitive deduction of earnings for a period of up to 2 years, or restriction of liberty for a period of up to 5 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for a period of up to 3 years.

52. Under paragraph 2 of the article, where these acts are accompanied by violence, deception or threats or are committed by officials, they are punishable by punitive deduction of earnings for a period of up to 2 years or deprivation of liberty for a period of up to 5 years. Where the acts envisaged in paragraphs 1 and 2 of the article are carried out by an organized group or result in the death of a person or other grave consequences, the penalty incurred is deprivation of liberty for a period of from 2 to 5 years.

53. In addition, pursuant to article 67, paragraph 1 (3), of the Criminal Code, the motivation of an offence by racial, ethnic or religious enmity is considered an aggravating circumstance when the penalty is determined.

54. The parliament of Ukraine on 5 November 2009 adopted an act amending the Criminal Code, specifically the provisions concerning liability for offences motivated by racial, ethnic or religious intolerance, so as to provide for harsher penalties under article 161.

55. Several other articles of the Criminal Code were amended by this act. For example, motivation by racial, ethnic or religious intolerance was added as an element of the offences covered in paragraph 2 of article 115 (Murder) and paragraph 2 of article 121 (Intentional grievous bodily harm).

Article 5

Measures taken to prohibit and eliminate racial discrimination and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law in the enjoyment of the following rights

(a) The right to equal treatment before the tribunals and other organs administering justice

56. Information on this issue is provided in paragraphs 284–300 of the report.

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by governmental officials or by any individual, group or institution

57. The act amending the Criminal Code established liability for torture motivated by racial, ethnic or religious intolerance (art. 127, para. 2).

58. To secure the implementation of the Policy Framework for Criminal Justice Reform in Ukraine, approved by the President on 8 April 2008 (No. 311), a plan of action for implementing the Policy Framework was ratified by an order of the Cabinet of Ministers. The main aim of the Policy Framework is to increase the effectiveness of the work of the Procurator's Office and law enforcement agencies in safeguarding rights and freedoms by reforming the legislation on criminal procedure and the law enforcement agencies themselves.

59. The reform of the judicial bodies is intended to improve their work in line with European standards, with a view to increasing the level of protection of human rights and fundamental freedoms, and to strengthen the fight against crime, which is expected to increase public trust in these bodies.

60. On 14 October 2009, at a meeting of the Cabinet of Ministers, a draft new Code of Criminal Procedure was considered; the draft had been prepared over a period of two years by a Ministry of Justice working group in cooperation with the National Commission on Strengthening Democracy and the Rule of Law reporting to the President. Experts, academics and specialists from the relevant State institutions took part in the elaboration of the draft. Public hearings were held to discuss it.

61. It should be emphasized that, in September 2007, the draft new Code of Criminal Procedure received a positive evaluation from the experts of the Council of Europe (J. Herrmann (Germany), R. Volger (United Kingdom) and F. Calderoni (Italy)).

62. The plan of action for implementing the Policy Framework provides for the revision of the Procurator's Office Act in order to bring the powers of that office under the Constitution and the principles for its organization into line with the standards obtaining in democratic, law-based societies.

63. For example, the Procurator's Office is to become the sole body responsible for such tasks as:

(a) Overseeing the enforcement of the law by bodies carrying out police work and pretrial investigations;

(b) Conducting criminal prosecutions, including bringing charges, regulating procedure in pretrial investigations and arraigning accused persons in court;

(c) Monitoring compliance with the law by bodies and institutions that execute judicial decisions in criminal cases and implement other coercive measures associated with restriction of individual liberty.

64. In the course of 2009, Ministry of Internal Affairs aides, the Ministry's Human Rights Monitoring Department and representatives of civil society organizations conducted 35 courses for internal affairs agency staff on observance of the rights of foreign nationals, stateless persons and asylum-seekers.

65. With regard to organizational and administrative measures, most provinces have preferred to establish their own sets of urgent (working) measures, taking as their basis the Ministry's Plan of Action to Combat Racism and Xenophobia. These provinces include Dnipropetrovsk, Donetsk, Kharkiv, Kirovohrad, Lviv, Rivne, Sumy, Volynka and Zakarpattia, as well as the city of Kyiv. In addition, instructions have been drafted on combating offences against foreign nationals, including those motivated by racism and xenophobia, and transmitted to municipal and district authorities and to relevant services.

66. A number of provinces — Dnipropetrovsk, Donetsk, Kharkiv, Poltava and Zakarpattia — have reported that questions relating to the prevention and detection of offences against foreign nationals are discussed monthly at working meetings of the heads of the central departments and departments of the Ministry of Internal Affairs of Ukraine in those provinces.

67. Only four provinces — Chernihiv, Chernivtsi, Luhansk and Sumy — have reported conducting scheduled and supplementary courses to educate staff about issues relating to the fight against racism and xenophobia as part of their system of vocational training

68. Offices to combat ethnically-motivated crime and offences connected with the activities of radical informal youth movements and organizations have been set up within

the criminal investigation units of the Ministry of Internal Affairs and the Ministry's central departments in the city of Kyiv and in Dnipropetrovsk, Kharkiv, Luhansk, Lviv and Odessa provinces. A separate unit with responsibility for monitoring efforts to prevent and detect offences against foreign nationals has been established in the criminal investigation department in Zakarpattia province. In the city of Kyiv, such units have been set up in every district internal affairs office, while a special detective post has been instituted in the Central Department of the Ministry of Internal Affairs of Ukraine in Sumy province to clear up such offences.

69. At Ministry of Internal Affairs headquarters, criminal case files and materials relating to inquiries into unsolved serious and especially serious offences against foreign nationals are reviewed, and the chiefs of the investigations teams discuss the progress made in identifying the perpetrators. The appropriateness of the response by personnel of the Ministry's subdivisions in the regions to reports of offences against foreign nationals is scrutinized, as is the thoroughness of the measures taken to clear up such offences.

70. In eight regions — Chernihiv, Dnipropetrovsk, Kharkiv, Kirovohrad, Lviv, Volynka and Zakarpattia provinces and the city of Kyiv — task forces have been set up to detect and investigate offences against foreign nationals with a view to ensuring an effective response, and an oversight function has been introduced. Experienced staff have been assigned to municipal and district bodies in these regions to conduct monitoring.

71. In Chernihiv, Dnipropetrovsk, Ivano-Frankivsk, Kirovohrad, Luhansk, Lviv and Rivne provinces, Internet resources, television channels and media publications are constantly monitored for problem content touching on ethnic relations.

72. In 12 regions — Chernihiv, Chernivtsi, Dnipropetrovsk, Donetsk, Kharkiv, Kirovohrad, Luhansk, Lviv, Poltava, Rivne, Sumy and Ternopil provinces and the city of Kyiv — the central departments and departments of the Ministry of Internal Affairs have reported carrying out special operational measures to identify advocates of neo-Nazism and racism and to gather and analyse data on such persons, within the limits provided for in the Ministry's mandate. Neighbourhood militia officers have made supporters of extreme right-wing ideologies aware of the requirements of the law. In most of the regions mentioned, regular meetings have been held with leaders of football fan clubs with a view to ensuring a swift response to the spread of xenophobic attitudes among fans.

73. Most provinces have met the Ministry's requirements with respect to the adjustment of their plans for the integrated use of human resources and equipment. As stipulated under the adjusted plans, militia patrol routes have been brought as close as possible to educational establishments and areas where members of expatriate communities and ethnic groups live in large numbers or spend their leisure time. This has reduced the risk of the commission of offences against the life, health and property of foreign nationals. Fifteen provinces are concerned: Cherkasy, Chernivtsi, Dnipropetrovsk, Donetsk, Ivano-Frankivsk, Kharkiv, Kherson, Luhansk, Lviv, Poltava, Rivne, Ternopil, Volynka, Zakarpattia and Zhytomyr.

74. In the city of Kyiv, patrols have been stepped up at 86 locations, and continuous improvements have been made to operations at 55 gathering places of possible supporters of extreme right-wing ideologies and members of radical groups.

75. Militia officers have met regularly with school pupils and students at educational establishments. As the central departments and departments of the Ministry of Internal Affairs in 12 regions — Dnipropetrovsk, Donetsk, Ivano-Frankivsk, Kharkiv, Kirovohrad, Luhansk, Poltava, Rivne, Sumy, Ternopil and Zhytomyr provinces and the city of Kyiv — have reported, these meetings are devoted in part to issues of inter-ethnic toleration and to the prevention of manifestations of religious or ethnic intolerance.

76. In 2009, staff of the Ministry's Criminal Investigation Department, together with the Eastern European Development Institute, drafted a booklet containing recommendations aimed at foreign nationals in Ukraine and entitled "Your rights and how to protect them"; a second booklet, entitled "Signs of hatred: how to spot them", was prepared to help militia officers identify, on the basis of specific indications, persons involved in radical movements and organize preventive work with them.

77. Booklets containing the telephone numbers of duty units, neighbourhood militia officers, hotlines and helplines have been distributed to school pupils and students as a general preventive measure. In a separate initiative, training has been conducted with staff of private security services who maintain public order at educational establishments and hostels. Such training was carried out regularly in eight regions: the provinces of Chernivtsi, Donetsk, Kirovohrad, Lviv, Poltava, Sumy and Ternopil and the city of Kyiv.

78. As part of the special preventive measures undertaken, internal affairs personnel have organized continuous cooperation with representatives of the ethnic minorities and ethnic cultural communities in Chernihiv, Chernivtsi, Ivano-Frankivsk, Kharkiv, Luhansk and Sumy provinces and in the city of Kyiv and with leaders of the Jewish communities in Volynka, Donetsk and Ternopil provinces and of the Muslim diasporas in Donetsk province.

79. In Donetsk, Luhansk and Lviv provinces, the law enforcement agencies are cooperating with rector's offices and faculty dean's offices at higher education establishments that have foreign nationals among their students, as well as with student association representatives.

80. Joint activities conducted with civil society organizations have facilitated the implementation of preventive measures:

- In Luhansk province, with the Luhansk Shag v budushchee (Step into the future) charitable foundation, the Bogatikov charitable foundation for inter-ethnic cultural ties and the Association of Peoples of Luhansk
- In Lviv province, with Amnesty International Ukraine
- In Sumy province, with the Ukrainian section of the International Human Rights Society

81. The central departments and departments of the Ministry of Internal Affairs in no fewer than eight provinces — Chernihiv, Dnipropetrovsk, Donetsk, Kharkiv, Kirovohrad, Luhansk, Rivne and Zhytomyr — have held briefings and press conferences, as well as placing video spots on television and comment pieces in the print media, to disseminate information on the fight against racism and xenophobia.

82. At Ministry of Internal Affairs headquarters, staff have created a special section entitled "Combating racism" on the departmental website; the Ministry participated in the European-wide Action Week against Racism. Representatives of the Ministry's Criminal Investigation Department and Human Rights Monitoring Department have helped to organize 84 briefings, round tables and meetings with representatives of other law enforcement institutions, the military and security forces, various civil society organizations and ethnic diasporas on issues relating to overcoming xenophobia in the country and preventing offences motivated by racial hatred.

83. On a separate track of activities, the Ministry's central departments and departments have maintained vital interaction with the National Security Service, other law enforcement agencies and central and local government bodies, exchanging information for the organization and implementation of joint preventive measures.

84. Special mention should be made of the experience of Kharkiv province, where a joint meeting of the heads of the Central Department of the Ministry of Internal Affairs of Ukraine in the province and officials of the local branch of the State Court Administration was held in February 2009 to address the issue of the examination by the courts of cases involving administrative offences committed by members of radical organizations.

85. However, extreme right-wing movements are in some respects beyond the Ministry's legal competence. This calls for coordinated measures on the part of other central authorities and civil society organizations.

86. Cooperation has been established to that end with a number of international organizations: the Office of the United Nations High Commissioner for Refugees (UNHCR), IOM, OSCE and the British Council in Ukraine. A memorandum between the Ministry of Internal Affairs and OSCE concerning vocational training for internal affairs officers on prevention of xenophobic crime is being finalized.

87. In 2007, the Ministry drafted a Plan of Action to Combat Racism up to 2009. Priorities in this area include: identifying radical youth groups and organizations; conducting outreach and preventive work among them; ensuring that law and order are maintained in areas with high concentrations of foreign nationals; and combating any manifestations of xenophobia and racism. In 2009, the militia identified eight organized criminal youth groups established on an ethnic basis (compared with four in 2008).

88. To facilitate implementation of the Plan of Action, a review of the outcomes of the efforts of the Ministry's central departments and departments in this area was conducted in December 2009 and used as a basis for preparing the Ministry's new plan for 2010–2012.

89. The Plan of Action to Combat Racism and Xenophobia up to 2012 was approved on 18 February 2010.

90. The Plan provides for:

- Initiation of parliamentary and public hearings, round tables and workshop conferences on combating xenophobia and racial and ethnic discrimination in Ukrainian society.
- Monitoring of the activities of print and electronic media, and television and radio companies, irrespective of form of ownership, in cases involving the publication of information, dissemination of materials or broadcasting of television or radio programmes that incite ethnic, racial or religious enmity or hatred, demean ethnic honour and dignity or cause offence to citizens in connection with their religious beliefs.
- Preparation of an annual report on the outcomes of the Ministry's efforts to combat racism and xenophobia, including statistical data on:
 - The number of investigations completed into offences covered by chapter II, articles 115, 121, 122, 126, 127, 129 and 300, of the Criminal Code.
 - The number of applications and complaints from citizens concerning manifestations of xenophobia or racism, including under article 97 of the Code of Criminal Procedure.
 - The number of complaints of xenophobic or racist acts perpetrated by internal affairs officers, and the outcomes of any investigations.
- Academic research into: the nature, causes, manifestations and incidence of xenophobia in Ukrainian society; the degree of radicalization of the public; and the prevention and detection of crimes involving ethnic or religious hatred. Inclusion in official training programmes for internal affairs personnel of themes relating to the

fight against racism and xenophobia, the prevention of discrimination on racial and religious grounds, and the provisions of the 1966 Rotterdam Charter; and the arrangement of relevant tests.

- Production, jointly with the Ministry of Foreign Affairs, Ministry of Health, Ministry of Labour and Social Policy and civil society organizations, of illustrative materials (leaflets, posters) on employment and health provision for foreign nationals and stateless persons legally present in Ukrainian territory and on their integration in Ukrainian society.
- Improvement of practice in connection with preventive work with specific members and relatives of members of radical organizations and groups seeking to propagate xenophobia or racial or ethnic discrimination, for the purposes of suppressing violations of public order and the commission of offences.
- Strengthening of efforts to prevent, investigate and detect unlawful acts involving incitement to ethnic, racial or religious enmity or hatred, demeaning of ethnic honour and dignity or offence to citizens in connection with their religious beliefs.
- Urgent operations and inquiries to prevent and detect offences committed against foreign nationals or members of ethnic and religious minorities.
- Stepping up of monitoring by the militia of developments in youth and teenage circles. Effective coverage by militia sources of such circles, for the purposes of identifying the leaders of and active participants in informal radical youth organizations, as well as persons inducing them to commit unlawful activities or facilitating the existence of such groups.
- Creation, for use in preventive work and in the detection of offences, of a database of leaders and participants, radical groups, and neo-Nazi and ultranationalist organizations, involved in unlawful activities.
- Furthering of cooperation with other countries and law enforcement agencies of other States in order to study and institutionalize acquired experience, and to exchange information on procedures for applying progressive administrative decisions and legislative initiatives to combat xenophobia and racial and ethnic discrimination; and participation in international events on the issue.
- Constant interaction and cooperation with interested non-governmental and voluntary associations to prevent all manifestations of xenophobia and ethnic and racial intolerance, and to provide for joint monitoring of the observance by internal affairs officers of the rights of foreign nationals and members of ethnic minorities.
- Holding of meetings with representatives of foreign diasporas in Ukraine, in order to ensure prompt detection and prevention of offences motivated by racial or religious intolerance.
- Conduct, jointly with the Ministry of Education and Science, of awareness-raising and preventive activities among children, school pupils, students and parents' associations to avert the propagation of xenophobia and racism.

91. Concerning the Committee's recommendation regarding the appointment to law enforcement agencies of members of groups protected by the Convention, this is not practicable in Ukraine, owing to the lack of an "ethnicity" rubric in passports.

92. As for ensuring that stateless persons are not returned or deported to a country or territory where they would be at risk of violation of their human rights, article 3 of the Refugee Act provides that a refugee may not be deported or forcibly returned to a country where his or her life or freedom is in danger for reasons of race, faith (religion), ethnicity,

citizenship (nationality), membership of a particular social group, or political beliefs. Whenever a foreign national is arrested, the Ministry of Internal Affairs holds consultations with UNHCR and IOM representatives.

93. It should be noted that the procuratorial authorities routinely monitor observance of the laws on the prevention of all forms of racial discrimination, racism, xenophobia and related intolerance.

94. Procuratorial checks have confirmed that central and regional government bodies are taking specific organizational and practical measures to prevent conflict on inter-ethnic and inter-confessional grounds and to combat xenophobia and racism and the violation of citizens' equal rights on account of their ethnicity.

95. Article 25, paragraph 8, of the Local State Administrations Act obliges local authorities to ensure implementation of the laws on ethnic minorities, migration and freedom of religion.

96. Nevertheless, procuratorial checks have highlighted several infringements. For example, Autonomous Republic of Crimea Council of Ministers Decision No. 187 of 13 June 2000 on the establishment under the Council of a representative deliberative body of Crimean Tatars has yet to be implemented.

97. The Coordination Council established under the Council of Ministers to monitor the realization of the programme for the installation and social and cultural development of deported persons is also not functioning.

98. Based on facts, the procuratorial authorities took action in more than 70 cases, and the relevant information was transmitted to central Government bodies.

99. Government policy for realizing the rights of persons deported on ethnic grounds is implemented consistent with the Programme for the settlement and installation of deported Crimean Tatars and persons of other nationalities who have returned to Ukraine as permanent residents, with a view to addressing their adaptation and integration in Ukrainian society up to 2010, approved by Cabinet of Ministers Decision No. 637 of 11 May 2006.

100. However, as procuratorial checks revealed, in the Autonomous Republic of Crimea alone, more than 6,000 Crimean Tatar families and 180 families of members of other deported ethnic groups are on a housing waiting list. Over the past three years, housing has been allocated to 387 families of deported persons. Nearly 16,000 individual property developers have been unable to complete building projects owing to lack of funds. It is vital to improve the social infrastructure in places of permanent residence for repatriated persons.

101. On the basis of the findings of the above-mentioned procuratorial checks, in 2008–2009, criminal proceedings were initiated in one case, with action taken in response to approximately 80 cases in total.

102. The resettlement of deported persons, including Crimean Tatars, is directly connected with the issue of land allocation by the local authorities for housing, agriculture and other purposes.

103. According to the Republican Committee for the Protection of the Land Resources of the Autonomous Republic of Crimea, 72,200 repatriated persons have been allocated 186,200 hectares of land for agricultural purposes, 9,880 hectares for the construction of homes and 65.9 hectares for commercial purposes.

104. However, government bodies in the Autonomous Republic of Crimea are not taking appropriate measures to prevent the unauthorized seizure and use of land, such as through judicial protection of the interests of local communities. The procuratorial authorities have

thus transmitted the relevant information to the supreme authorities of the Autonomous Republic.

105. The Ministry of Education and Science, educational authorities, general education establishments, out-of-school educational establishments, vocational and technical institutes, and higher education establishments of all types and levels of accreditation, are preparing to institutionalize activities to prevent the violation of citizens' equal rights on grounds of race, ethnicity or attitude to religion.

106. The Ministry of Education and Science, jointly with the State Research Institute of the Ministry of Internal Affairs and the State Institute for the Development of the Family and Youth under the Ministry for Family, Youth and Sport, have prepared and disseminated methodological recommendations for preventing the propagation of xenophobia and racism among children, school pupils and students.

107. In 2008, the psychology services of local education offices and departments conducted research to determine levels of teenage aggression, teenagers' propensity to commit unlawful acts, and the root causes of manifestations of ethnic and racial intolerance.

108. Teaching staff and parents' committees have recently stepped up their efforts to instil in children and young people moral qualities, ethics and tolerance, and to prepare them for life in a multi-ethnic society.

109. Procuratorial checks have revealed that in breach of articles 10 and 11 of the Militia Act and article 5 of the Act on Children's Agencies and Services, and Special Institutions for Children, officers of the criminal militia units dealing with children do not always act promptly to identify the causes and conditions leading to youth crime and the emergence of antisocial teenage gangs, or the luring by adults of young people into crime.

110. The legislation currently in force establishes criminal liability for the intentional violation of the equal rights of citizens on grounds of race, ethnicity or attitude to religion (Criminal Code, art. 161). Moreover, under article 67 of the Code, the commission of offences motivated by racial, ethnic or religious hatred or enmity constitutes an aggravating circumstance when the penalty is determined. The procuratorial authorities are responsible for pretrial investigations into offences envisaged under article 161 of the Code.

111. Over the period 2007–2008, the procuratorial authorities initiated criminal proceedings in eight cases in this category, for desecration of cemeteries of ethnic minorities (in Odesa, Chernihiv and Simferopol), incitement to ethnic enmity and hatred (in Kirovohrad province, Kherson and Odesa), and grievous bodily harm and murder (in Kyiv and Ternopil).

112. In the same period, the courts examined 11 criminal cases involving 27 individuals charged with offences under article 161 of the Criminal Code. Sixteen of these individuals were convicted; compulsory re-education measures were applied against 2 of them; and 6 were discharged under an amnesty.

113. Over the period 2004–2008, the Procurator's Office, with assistance from the Council of Europe and the European Commission, implemented a project to consolidate democratic stability in Ukraine and a project to further a culture of human rights. Under the projects, 155 seminars were held providing training for some 8,000 procuratorial officials on: the provisions and practical application of the European Convention for the Protection of Human Rights and Fundamental Freedoms; institutional arrangements for the Convention's application; the experience of the European Court of Human Rights on these issues; and the intensification of the efforts of procurator's offices to protect human rights and freedoms.

114. The Procurator's Office has been implementing the Joint Programme "Combating ill-treatment and impunity in South Caucasus, Moldova and Ukraine" since 2009. It is designed to increase efficiency in the consideration of complaints of ill-treatment by law enforcement officers and bodies conducting initial inquiries or pretrial investigations and in the prosecution of offenders. In 2009, the Procurator's Office held a workshop under this programme, with the participation of procuratorial officials at the provincial and central levels and of the National Procurators Academy. This event underscored the topicality of these issues, given the rising number of applications against Ukraine lodged with the European Court and the vital need to ensure high-quality work on the part of Ukrainian procuratorial authorities for the protection at the national level of the human rights and freedoms enshrined in the above-mentioned Convention.

115. With a view to the continued implementation of the programme in 2010, 27 workshops are planned for Ukrainian procuratorial officials at the provincial and central levels.

(c) Political rights

116. In addition to the Constitution, the main laws guaranteeing the right of citizens to participate in elections are as follows:

- 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 Municipal Mayors
- National and Local Referendums Act
- Central Electoral Commission Act

117. 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 central and local government bodies, as well as equal right of access to public service and service in local government bodies. Ukrainian citizens are accordingly guaranteed the opportunity to exercise full power, 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.

118. The civil right enshrined in article 38 is fully consistent with international standards, including the provision in the International Covenant on Civil and Political Rights, article 25, subparagraph (a), 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 elected representatives.

119. National and local referendums are the tools through which direct and indirect democracy is exercised and through which citizens realize their right to participate in the conduct of public affairs.

120. Under the Act on Elections of People's Deputies of Ukraine, no direct or indirect privileges may be granted to or restrictions placed on the electoral rights of Ukrainian citizens on the basis of race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics. Elections of deputies are equal, with Ukrainian citizens participating on an equal basis. Deputies are elected under a proportional system in a multi-mandate, State-level constituency, from electoral lists of candidates representing the various political parties and electoral blocs.

121. In accordance with the Act on Elections of Deputies of the Parliament of the Autonomous Republic of Crimea, Local Councils and Village, Settlement and Municipal Mayors, elections to village, settlement, municipal, municipal district and provincial district councils and elections of village, settlement and municipal mayors are free and take place on the basis of universal, equal and direct suffrage by secret ballot. The electoral process is conducted in accordance with the principles of free and fair nomination of candidates; equality of opportunity for all candidates in electoral campaigns; and impartiality towards candidates on the part of central and local government bodies, their officials and employees.

122. Under the Ethnic Minorities of Ukraine Act, Ukrainian citizens belonging to ethnic minorities have an equal right to be elected — or, as appropriate, appointed — to any post in legislative, executive or judicial bodies, in local and regional government, in the army, and in enterprises, institutions and organizations (art. 9).

123. Nationwide elections to central and local government bodies offer the people a unique opportunity to exercise control over those bodies' activities, including a complete change of power. Elections are free and are conducted on the basis of universal, equal and direct suffrage by secret ballot. All Ukrainian citizens aged 18 years or over have the right to vote, with the exception of persons declared by a court to lack legal capacity. A person's right to be elected is linked to the type of election; for example, only a Ukrainian citizen, who is aged 21 years or over on election day, possesses the right to vote and has resided in Ukraine for the preceding five years, is eligible to stand for election as a people's deputy. Any citizen possessing the right to vote and aged 18 years or over on election day may be elected to serve as a local council deputy.

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

125. Under the law, foreign nationals and stateless persons residing in Ukraine do not have the right to participate in elections and referendums.

126. The Civil Service Act establishes the general principles of public service activities and defines the status of civil servants serving in Government bodies. Article 1 of the Act refers to the professional activities of persons serving in Government bodies and departments, carrying out practical tasks and functions of the State and receiving a salary from budgetary resources. Such individuals are civil servants and are accorded the relevant functional authority.

127. Under article 4 of the Act, any Ukrainian citizen is eligible to enter the civil service, irrespective of origin, social or property status, race or ethnicity, sex, political views, religious beliefs or place of residence, provided that they possess the relevant education and vocational training and have passed the competitive selection process in accordance with the established procedure or as decided by the Cabinet of Ministers.

128. Representatives of ethnic minorities are well integrated in Ukrainian society, as evidenced by their realization of their rights to participate in the activities of legislative and executive authorities and local government bodies.

(d) Other civil rights, in particular*(i) The right to freedom of movement**(ii) The right to leave any country, including one's own, and to return to one's country*

129. Article 33 of the Constitution provides that any person legally present in Ukrainian territory is guaranteed freedom of movement, free choice of place of residence and the right freely to leave Ukraine, subject to the restrictions established by law. Ukrainian citizens may not be deprived of the right to return to Ukraine at any time.

130. The Act on Freedom of Movement and Free Choice of Place of Residence in Ukraine, which regulates legal relations arising from the exercise of freedom of movement and free choice of place of residence, builds on the above-mentioned article of the Constitution.

131. These same rights of Ukrainian citizens are enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms and the protocols thereto, and other international instruments. The domestic legislation cited defines the procedure for exercising freedom of movement and free choice of place of residence, and establishes limitations thereon.

(iii) The right to nationality

132. The Constitution stipulates that there should be a single Ukrainian nationality. The grounds for granting and withdrawing Ukrainian citizenship are determined by law (art. 4).

133. Ukrainian citizens may not be deprived of their nationality or the right to change their nationality; they may not be expelled from Ukrainian territory or extradited to another State. Ukraine guarantees care and protection to those of its citizens who are located beyond its borders (art. 25).

134. The Ukrainian Citizenship Act and Presidential Decree No. 215 of 27 March 2001 on questions arising from the application of the Ukrainian Citizenship Act establish the legal basis for Ukrainian citizenship, the grounds and procedure for its acquisition and withdrawal, and the powers of Government bodies competent to address questions of Ukrainian citizenship.

135. On 26 September 2006, Ukraine ratified the European Convention on Nationality.

136. Under Ukrainian law, refugees have the right to acquire Ukrainian citizenship. This right is enshrined in the Ukrainian Citizenship Act, which places refugees in a special category of individuals eligible to obtain Ukrainian citizenship, with more favourable conditions. This relates, inter alia, to periods of residence in Ukrainian territory: the standard period for which a foreign national must reside in Ukraine before being eligible to obtain Ukrainian citizenship is five years; for refugees, it is three years from the time they are granted refugee status.

(iv) The right to marry and to choose one's spouse

137. The Family Code is the principal legislative instrument defining the basis for marriage. Persons who have attained the age of marriage have the right to marry (art. 23). The age of marriage is 17 years for women and 18 years for men (art. 22).

138. Marriage is based on the free consent of the woman and the man. No woman or man may be coerced into entering into marriage (Family Code, art. 24). Article 26 of the Code lists those persons who may not marry each other: direct relatives, full or half-siblings,

cousins, and aunt or uncle with nephew or niece. However, neither the Family Code nor any other legislative acts contain provisions that could be seen to place race-based restrictions on marriage or choice of spouse.

(v) *The right to own property alone as well as in association with others*

139. Under article 41 of the Constitution, every person has the right to own, use and dispose of his or her property and the results of his or her intellectual and creative work. The right to own private property is acquired in accordance with the procedure established by law. To satisfy their needs, citizens may use State or community property in accordance with the law. No one may be unlawfully deprived of their right to property. The right to private property is inviolable. Forcible alienation of private property is permitted only on an exceptional basis, for reasons of social necessity, on the grounds and in accordance with the procedure established by law, and on condition of prior and full reimbursement of its value. Forcible alienation of such property with full reimbursement subsequently of its value is permitted only in a military or other emergency. Confiscation of property may take place only by court order, in the cases, to the extent and in accordance with the procedure established by law. The use of property may not infringe the rights, freedoms and dignity of citizens or the public interest, nor may it aggravate the environmental situation or natural characteristics of the land.

140. Under article 13 of the Constitution, every citizen has the right to use natural resources owned by the people in accordance with the law. The ownership of property entails obligations. Property must not be used in a manner prejudicial to persons or society. The State ensures the protection of the rights of all persons exercising the right of ownership or husbandry, as well as the social orientation of the economy. All persons exercising the right to property are equal before the law.

141. Ukrainian citizens are guaranteed the right to own land (Constitution, art. 14). This right is acquired and exercised by citizens, legal persons and the State solely in accordance with the law.

142. Under Ukrainian law, foreign nationals and stateless persons may own any property, inherit and bequeath it, in addition to possessing personal non-property rights.

143. Ukrainian law governing the right to own property contains no restrictions in any way leading to discrimination on racial grounds.

(vi) *The right to inherit*

144. The main legislative act regulating inheritance law issues in Ukraine is the Civil Code, which entered into force on 1 January 2004. Book VI is devoted to inheritance law (arts. 1216–1308).

145. Persons eligible to be heirs are defined in article 1222. As stipulated in paragraph 1 of the article, persons alive at the time of the opening of the succession — as well as persons conceived during the testator's lifetime but born after the opening of the succession — may be testate or legal heirs.

146. On matters arising from the right to inherit, Ukrainian law contains no restrictions that lend themselves in any way to discrimination on racial grounds.

(vii) *The right to freedom of thought, conscience and religion*

147. The obligations to uphold fundamental human rights and freedoms in respect of freedom of conscience and religion are reaffirmed by national and international practice. They provide that freedom of conscience is an inalienable human right guaranteeing the inviolability of the individual insofar as attitude to religion is concerned.

148. This right is enshrined in the Constitution (art. 35) and is in keeping with the provisions of international law, including: the basic principles of the Universal Declaration of Human Rights of 1948; the Convention on the Protection of Human Rights and Fundamental Freedoms of 1950 (European Convention on Human Rights); the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992; and other international legal instruments in force.

149. Article 35 of the Constitution and article 5 of the Freedom of Conscience and Religious Organizations Act proclaim freedom of ideology and religion, and the equality before the law of all officially recognized religions, faiths and religious organizations. All Ukrainian citizens are guaranteed the right to adopt and change their religion and beliefs, to affiliate themselves with any church, to hold any religious views and beliefs, and to change them when they so choose.

150. Article 3 of the Freedom of Conscience and Religious Organizations Act provides that no one has the right to impose religious beliefs or an ideology and, at the same time, guarantees the freedom to express openly and to disseminate freely religious views or atheistic beliefs. Realization of this right is subject only to such restrictions as are necessary in a democratic society in order to protect public safety and order, life, health and morals, and the rights and freedoms of other citizens.

151. Relations between the State and religious organizations in Ukraine are based on the legal principles enshrined in the Constitution and in relevant laws and regulations. The core piece of legislation — the Freedom of Conscience and Religious Organizations Act — sets clear parameters for relations between the State and religious organizations, defines the rights and obligations of the actors concerned and reflects the pluri-religious nature of the country. Work is under way on improving the provisions of the new version of the Act.

152. In accordance with the generally accepted principle worldwide of the separation of church and State, under article 5 of the Freedom of Conscience and Religious Organizations Act, the church (religious organizations) in Ukraine is separate from the State, and religious organizations do not perform State functions.

153. Under article 7 of the Act, religious organizations are established to meet the religious needs of citizens in respect of the practice and propagation of faith, and they conduct their activities within their hierarchical and institutional structures according to their statutes (regulations).

154. In accordance with article 8 of the Act, the State recognizes the right of a religious organization to accept the authority in canonical and organizational affairs of any religious centre (administration) operating in Ukraine or abroad and to be able to change that status.

155. The Freedom of Conscience and Religious Organizations Act proclaims the equality of all faiths in State legal relations. The establishment of any privileges for or restrictions on one religion, denomination or religious organization vis-à-vis another is not allowed (art. 5). In this connection, the particular characteristics of the religious teachings and worship practices of any of the officially registered religious organizations in Ukraine may not be considered as dominant or mandatory or, on the contrary, be prohibited.

156. The State, its officials and bodies do not intervene in the canonical affairs of religious organizations; they help to establish relations of mutual religious and ideological tolerance between followers of different faiths and their religious organizations, provided that they act in accordance with the Freedom of Conscience and Religious Organizations Act.

157. Government bodies support in every way possible the work of religious institutions aimed at the spiritual uplifting of society and the implementation of humanitarian activities that foster moral and ethical values and patriotism among Ukrainian citizens.

158. They conduct an active dialogue with members of the religious organizations of all denominations officially represented in the State. People have great confidence in the church and religious organizations as such, thereby making them among the most influential institutions in Ukrainian civil society.

159. The activities of the All-Ukrainian Council of Churches and Religious Organizations, established on the initiative of religious leaders in 1996, have a significant impact on cooperation between the State and religious institutions and on the status and development of relations between the State and the church and among different faiths and churches in Ukraine.

160. The All-Ukrainian Council of Churches and Religious Organizations is a representative interfaith advisory body. Its purpose is to harness the efforts of religious organizations towards the national and spiritual revival of Ukraine, to promote interfaith understanding and harmony in society, to coordinate inter-church dialogue in Ukraine and abroad, to help prepare draft legislation or regulations on relations between the State and the church, and to carry out broad-ranging charitable activities. The Council conducts its work on the basis of the principles of equality, equality of rights and respect for the internal arrangements and traditions of all religious organizations operating under the Constitution, and is independent of Government bodies and political and civil society organizations. The Council comprises 19 churches and religious organizations representing over 90 per cent of the network of religious institutions in Ukraine. Its activities have a marked influence on the manner in which topical issues concerning relations between the church and the State are decided.

161. The authorities help religious organizations to resolve their property problems, such as the return of former places of worship and premises for church use, the allocation of land for the construction of places of worship, and the repair and restoration of existing churches.

162. In order to handle matters relating to the return of church property efficiently, the Commission for the realization of the Rights of Religious Organizations was established, reporting to the Cabinet of Ministers.

163. Article 35 of the Constitution states: "No one may be relieved of his or her obligations towards the State or refuse to comply with the law on religious grounds. If the performance of military service is contrary to a citizen's religious beliefs, that obligation shall be replaced by alternative (civilian) service."

164. Other relevant regulation includes: the Alternative (Civilian) Service Act; the Cabinet of Ministers Decision approving the implementing regulations for the Alternative (Civilian) Service Act; the Regulations governing the procedure for the performance of alternative (civilian) service; and the official list of religious organizations whose teachings prohibit the bearing of arms.

165. The State supports the initiatives of religious institutions to step up dialogue between the church and the army; such initiatives underscore the great relevance of ensuring the right to freedom of conscience among members of the army, and establishing a spirit of tolerance and mutual respect within their ranks. The Ukrainian authorities are keenly concerned about creating appropriate conditions for churches and religious organizations in Ukraine to carry out their socially significant activities and to fulfil the spiritual, moral and educational potential of the church in the interests of society.

166. The current strategy of cooperation between the State and the church is designed to raise public awareness of intercultural and interreligious dialogue and to create a climate of tolerance and mutual respect in inter-ethnic and interfaith relations. This goal can be achieved through the joint efforts of State, religious, voluntary and scientific institutions.

167. The State has clearly defined its obligations towards the church and the extent of its powers, rendering the policy on religion transparent and open to the public.

(viii) *The right to freedom of opinion and expression*

168. Under article 34 of the Constitution, everyone is guaranteed the right to freedom of thought and speech and to the free expression of his or her views and beliefs. Everyone has the right freely to collect, store, use and disseminate information by oral, written or other means of his or her choice.

169. The exercise of these rights may be restricted by law in the interests of national security, territorial integrity or public order, for the purpose of preventing disturbances or offences, protecting public health and the reputation or rights of other persons, preventing the disclosure of information received confidentially, or upholding the authority and impartiality of justice.

170. Social issues relating to the right to information are regulated by the following: the Information Act; the Print Media (Press) in Ukraine Act; the Television and Radio Broadcasting Act; the National Television and Radio Broadcasting Council Act; the Act on State Support for the Media and the Social Protection of Journalists; the Act on the Reporting of Activities of Central and Local Government Bodies of Ukraine in the Media; and the Information Agencies Act.

171. Under article 9 of the Information Act, all Ukrainian citizens, legal persons and State bodies have the right to information; accordingly, they may freely access, use, disseminate and store information they need to exercise their rights, freedoms and legal interests and to perform their tasks and functions.

172. The exercise of the right of citizens, legal persons and the State to information must not infringe on the civil, political, economic, social, environmental or other rights, freedoms and legal interests of other citizens or the rights and interests of legal persons.

173. Every citizen is guaranteed free access to his or her personal information, except as provided for by Ukrainian law.

174. Article 10 of the Information Act establishes guarantees relating to the right to information, which is safeguarded as follows. It is mandatory for central, local and regional government bodies to provide information on their activities and decisions; special information services or systems have been set up in State bodies to provide access to information in accordance with the established procedure. Information users have free access to statistical data, archives, library and museum collections; such access is restricted only on the grounds of the particular value and special storage conditions of the collections, as specified by law. A mechanism has been established to guarantee the right to information. The State monitors compliance with the Information Act, and there are penalties for breaches.

175. In accordance with the first, second and third paragraphs of article 45 of the Information Act, the right to information is protected by law. The State guarantees information users equal rights and opportunities for access to information. No one may restrict a person's right to choose the forms and sources of the information he or she receives, unless otherwise provided by law. Information users have the right to demand that any infringements of their right to information be remedied.

(ix) *The right to freedom of peaceful assembly and association*

176. In accordance with article 36 of the Constitution, Ukrainian citizens have the right to associate freely in political parties and civil society organizations in order to exercise their rights and freedoms and to safeguard their political, economic, social, cultural and other

interests, subject to the restrictions prescribed by law in the interests of national security and public order, public health or the protection of the rights and freedoms of other citizens.

177. Political parties in Ukraine promote the development and expression of the political will of citizens, and participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership of political parties are established exclusively by the Constitution and laws of Ukraine.

178. Ukrainian citizens have the right to participate in trade unions for the purpose of protecting their labour and socio-economic rights and interests. Trade unions are voluntary organizations that unite citizens bound by common interests according to the nature of their professional activities. Trade unions are formed without prior authorization on the basis of the free choice of their members. All trade unions have equal rights. Restrictions on membership of trade unions are established exclusively by the Constitution and laws of Ukraine.

179. No one may be compelled to join any citizens' association or be restricted in his or her right to belong or not to belong to political parties or voluntary organizations.

180. All citizens' associations are equal before the law.

181. Article 37 of the Constitution 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 and violence, or incite ethnic, racial or religious enmity or attacks on human rights and freedoms and public health.

182. The right to freedom of association is one of the most important universally recognized civil and political rights. According to article 20 of the Universal Declaration of Human Rights and article 22 of the International Covenant on Civil and Political Rights, and the International Labour Organization (ILO) Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87), everyone has the right to freedom of association with others, including the right to form and join trade unions for the protection of his or her interests.

183. At present, the legal and institutional framework for realizing the right to freedom of association in political parties and civil society organizations is governed by the Citizens' Associations Act and the Political Parties in Ukraine Act. However, a bill on civil society organizations has been drafted. Its main purpose is to define the legal and institutional framework for the exercise of the right to freedom of association and to create conditions conducive to the establishment of civil society organizations, the implementation of their activities and the development of civil society in general.

184. The bill is based on the provisions of article 11 of the Convention on the Protection of Human Rights and Fundamental Freedoms. It takes into account the legislative framework within which NGOs operate in major European countries, including the provisions of the Recommendation of the Committee of Ministers of the Council of Europe to member States on the legal status of NGOs in Europe, adopted on 10 October 2007.

185. The new element in the bill is the fact that there are no territorial restrictions: NGOs are not categorized as local, nationwide or international entities, as in the Citizens' Associations Act. This will enable them to operate freely throughout the territory of Ukraine without having to re-register.

186. Pursuant to article 39 of the Constitution of Ukraine, citizens have the right to assemble peacefully without arms and to hold meetings, rallies, marches and demonstrations, if they notify the central or local government bodies beforehand.

Restrictions on the exercise of this right may be established by a court in accordance with the law and only in the interests of national security and public order, for the purpose of preventing disturbances or offences, protecting public health or safeguarding the rights and freedoms of others.

187. In order to ensure the exercise of this right through legislation, a bill on the procedure for organizing and carrying out peaceful activities was drafted and was approved on first reading by the parliament on 3 June 2009. It obliges the State to ensure that citizens have the right to hold peaceful meetings, rallies, marches and demonstrations and it guarantees these freedoms. The bill was drafted taking into account the provisions of the Convention on the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and the International Covenant on Civil and Political Rights.

(e) Economic, social and cultural rights, in particular

(i) The right to work

188. In accordance with the first paragraph of article 3 of the Labour Code, labour legislation governs the labour relations of employees in all enterprises, institutions and organizations, irrespective of the form of ownership, type of activity and sector, as well as of persons working under employment contracts concluded with individuals.

189. In accordance with article 4 of the Code, labour legislation consists of the Labour Code and other legislative acts adopted pursuant thereto.

190. According to articles 21 and 24 of the Constitution, all people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable. Privileges or restrictions based on race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics are prohibited.

191. These provisions of the Constitution are reflected in article 3 of the Employment Act, according to which State employment policy is based on the following principles:

- Guaranteeing of equal opportunities for all citizens, irrespective of origin, social or property status, race or ethnicity, sex, age, political beliefs or attitude to religion, to exercise the right to choose freely their type of work according to their abilities and vocational training, taking into account their personal interests and the needs of society
- Promotion of effective employment, prevention of unemployment, and creation of new jobs and conditions for the development of entrepreneurship
- International cooperation for resolving employment issues, including the employment of Ukrainian citizens abroad and foreign nationals in Ukraine

192. Under the legislation governing employment, the State guarantees the able-bodied population of working age:

- Employment on a voluntary basis and the possibility to choose or change their profession or type of work
- Protection against unsubstantiated refusal of recruitment and unlawful dismissal, as well as help in retaining employment
- Assistance free of charge with job selection and placement in accordance with their vocation, abilities, vocational training and education, and taking into account the needs of society, using all available means, including career guidance and retraining
- Compensation for expenditure incurred in connection with the transfer of their post

- Payment of severance benefits for employees who have lost permanent posts at enterprises, institutions and organizations in the cases and under the conditions provided for by the legislation in force
- Free training for the unemployed to develop new job skills, and retraining at educational establishments or through the State employment service, with material assistance
- Payment of unemployment benefit to the unemployed in accordance with the established procedure, material assistance for dependants and other forms of assistance
- Admission to a course for retraining and development of new job skills, participation in paid community service, and receipt of unemployment benefit and material assistance for aggregate and continuous service
- Work in a specialized field for a period not less than three years for young professionals who are graduates of State educational establishments to which enterprises, institutions and organizations have submitted preliminary offers

193. State bodies publish statistical data and information about labour supply and demand, employment opportunities, vocational training and retraining, career guidance, and social and labour rehabilitation.

194. The State provides additional safeguards for the employment of able-bodied citizens of working age who need social protection and are unable to compete on equal terms in the labour market, in particular:

- Women who have children under the age of 6
- Single mothers who have children under the age of 14 or disabled children
- Young people who have completed or dropped out of secondary school or vocational and technical institutes, or who have been discharged from compulsory military or alternative (civilian) service, and who are in their the first job, children (orphans) deprived of parental care, and persons who are 15 years old and who may, with the consent of a parent or person acting in loco parentis, be allowed to work on an exceptional basis
- Individuals close to retirement age (58 years for men and 53 for women)
- Persons released from prison or compulsory treatment

195. At the request of employment centres, local government administrations and relevant council authorities set aside up to 5 per cent of the total number of posts, including jobs with flexible working arrangements, for the above-mentioned categories of citizen in enterprises, institutions and organizations with more than 20 employees, irrespective of the form of ownership.

196. In the event of reductions in staff numbers that exceed the established quota at enterprises, institutions and organizations, the local government administrations and relevant council authorities reduce, or simply do not establish, the quota for those enterprises, institutions and organizations.

197. In the event that persons in the above-mentioned categories who fall within the established quota are refused employment, the State employment service levies a fine on the enterprises, institutions and organizations concerned, for each refusal, amounting to 50 times the gross minimum wage.

198. In accordance with article 2.1 of the Labour Code, the State guarantees equal employment rights for all citizens, irrespective of origin, social or property status, race or

ethnicity, sex, language, political or religious beliefs, type or nature of occupation, place of residence or other circumstances. Ukrainian legislation does not set different wages according to nationality.

199. Article 94 of the Labour Code stipulates that wage levels depend on the complexity of the task performed, the conditions of work, the professional skills and performance of the employee, and the operating results of the enterprise, institution or organization; there is no wage ceiling.

200. Thus, wage levels do not depend on the nationality of the employee performing the production tasks. This ensures the principle of equal pay for equal work, which is safeguarded in particular through the establishment of a nationwide guarantee of remuneration (the minimum wage) and of conditions and wage levels for employees of institutions and organizations funded from the budget.

201. The Cabinet of Ministers has adopted a decision approving pay scales, which vary according to the complexity of the task performed, the organizational and legal level of the post, the functions of the employee's work unit and certain other working conditions. The pay conditions of employees in institutions and organizations funded from the budget are also established irrespective of their origin, social or property status, race or ethnicity, or sex.

(ii) *The right to form and join trade unions*

202. Citizens of Ukraine have the right to associate freely in civil society organizations in order to exercise and protect their rights and freedoms and to satisfy their political, economic, social, cultural and other interests, subject to the restrictions prescribed by law in the interests of national security and public order, public health or the protection of the rights and freedoms of other citizens.

203. Citizens have the right to participate in trade unions for the purpose of protecting their labour and socio-economic rights and interests. Trade unions are voluntary organizations that unite citizens bound by common interests according to the nature of their professional activities. Trade unions are formed without prior authorization on the basis of the free choice of their members. All trade unions have equal rights.

204. Restrictions on membership of trade unions are established exclusively by the Constitution and laws of Ukraine. No one may be compelled to join any citizens' association or be restricted in his or her right to belong or not to belong to voluntary organizations. All citizens' associations are equal before the law (Constitution, art. 36).

205. Article 37 of the Constitution prohibits the establishment and activities of political parties and civil society organizations that seek, through their programmes or actions, to propagate violence, or incite ethnic, racial or religious enmity or attacks on human rights and freedoms.

206. The specific regulatory characteristics, founding principles, rights and guarantees relating to the activities of trade unions are defined in the Act on Trade Unions, Their Rights and Guarantees relating to Their Activities.

207. Article 6 of the Act states that Ukrainian citizens have the right, as an expression of their free will and without the need for any authorization, to form, join and leave trade unions and to participate in their work, under the conditions and procedure set forth in the unions' charters. Foreign nationals and stateless persons may not form trade unions but may join them, if so provided by the unions' charters.

208. According to article 7 of the Act, trade union members may be persons working in an enterprise, institution or organization, irrespective of the form of ownership or type of

economic activity, persons working for an individual using hired labour, persons who are self-employed or persons studying at an educational establishment.

209. Ukrainian citizens are free to choose the trade union they wish to join. The basis for admission to a trade union is the submission of an application by the citizen (worker) concerned to the founding meeting. When the trade union is established, the application is submitted to the constituent assembly.

210. No one may be compelled to join or not join a trade union. A union's charter (regulations) may provide for the following persons to become members: persons engaged in creative activities, workers on peasant (privately-owned) farms, individuals engaged in entrepreneurial activities, students at vocational or higher education establishments, and persons who have left work or service for retirement or are temporarily out of work.

211. The State ensures that citizens are able to exercise their right to form trade unions and that the rights and interests of trade unions are observed (Act on Trade Unions, Their Rights and Guarantees relating to Their Activities, art. 13).

(iii) *The right to housing*

212. Article 47 of the Constitution states that: "Everyone shall have the right to housing. The State shall create conditions enabling every citizen to build, acquire or rent a dwelling. The State and local authorities shall provide citizens in need of social protection with a dwelling free of charge, or at a rent which they can afford, in accordance with the law. No one may be forcibly deprived of a dwelling other than by a lawful decision of a court."

213. A citizen's right to housing does not depend on his or her race or ethnicity.

214. With regard to the prohibition of racial discrimination when signing contracts for the purchase, sale or renting of accommodation, the guiding principle is that the owner possesses, uses and manages his or her property at his or her own discretion and may perform any act in connection with his or her property that does not conflict with the law. This being the case, the State does not interfere in the exercise of an owner's property rights (Civil Code, art. 319). The parties are free to conclude contracts, choose contractors and establish the terms of the contract in accordance with the Civil Code, other civil laws, business customs and the requirements of reason and justice (Civil Code, art. 627).

215. At present, Ukraine is not entirely able to provide all refugees and asylum-seekers with free housing. In order to address this issue, temporary accommodation centres for refugees have been set up and are in operation in Odesa, Mukacheve and Perechyn. A centre is being set up in Yahotyn, Kyiv province. The centres were located in these areas because of the very large number of people in this category who are living there and because of employment opportunities for them.

(iv) *The right to public health, medical care, social security and social services*

216. Legislation regulating the exercise of rights and freedoms in respect of health protection is based on the provisions of the Constitution. Article 49 of the Constitution guarantees everyone the right to health protection, medical care and health insurance. Health protection is provided through State funding for socio-economic, hospital and preventive care programmes.

217. All strata of the population, including immigrants, refugees and asylum-seekers, are provided with medical services in accordance with the legislation in force, which forbids all forms of discrimination. In implementing the rights of persons belonging to ethnic minorities, the State proceeds on the assumption that their rights form an inalienable part of universally recognized human rights.

218. Under article 10 of the Legal Status of Foreign Nationals and Stateless Persons Act, persons who have been given refugee status in Ukraine receive medical assistance on an equal footing with its citizens.

219. The provision of medical assistance to foreign nationals and stateless persons present in the territory of Ukraine is regulated by Government Decision No. 79 of 28 January 1997 approving the procedure for supplying medical assistance to foreign nationals and stateless persons temporarily present in the territory of Ukraine.

220. In the event of a breach of citizens' legal rights and interests in the public health sphere, the relevant government, civil society or other bodies, enterprises, institutions and organizations, their officials and citizens have a duty to take steps to protect the legal rights and interests concerned and to provide compensation for the harm occasioned by these breaches (Principles of Ukrainian Health Legislation, art. 8).

(v) *The right to education and training*

221. Under article 3 of the Ukrainian Education Act, Ukrainian citizens are entitled to receive free education at all State educational establishments, irrespective of sex, 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.

222. This right is ensured through:

- A widely branching network of educational establishments owned by the State or other entities, scientific institutes and postgraduate educational establishments
- The openness of educational establishments, which makes it possible to select education or training suited to a citizen's abilities and interests
- Various modes of study – full-time, evening, correspondence, external and pedagogical support

223. A system of continuing vocational training is being put in place to enable adults to improve their knowledge throughout their working life. The State is implementing a series of measures to improve the vocational training of persons working in various branches of the economy. In particular, several laws and regulations have been adopted in this sphere. An interdepartmental advisory board at the Ministry of Labour and Social Policy is working on issues related to the training of managers for industry. Essential teaching aids are being prepared. Seminars and conferences are held for human resources managers, and best practices are being disseminated and introduced.

224. 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 these 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 2009/10 academic year is presented in tables 1–7 below.

Table 1
Kindergartens

<i>Language of instruction</i>	<i>No. of kindergartens</i>	<i>No. of children being instructed in the language in question</i>
Ukrainian	12 252	1 022 929
Russian	988	164 568

<i>Language of instruction</i>	<i>No. of kindergartens</i>	<i>No. of children being instructed in the language in question</i>
Hungarian	70	3 247
Romanian	36	2 063
Moldovan	16	1 062
Crimean Tatar*	–	476
Polish*	–	104
German*	–	20
<i>Multilingual kindergartens</i>	853	

* Separate groups in kindergartens.

Table 2
State and community schools providing general education

<i>Language of instruction or study</i>	<i>No. of schools with instruction in this language</i>	<i>No. of pupils being instructed in this language</i>	<i>No. of pupils studying this language as a subject</i>	<i>No. of pupils studying this language optionally or in study circles</i>
Ukrainian	16 677	3 541 190	788 043	–
Russian	1 154	739 819	1 284 505	147 781
Romanian	88	21 092	861	203
Hungarian	66	15 596	1 198	388
Crimean Tatar	15	5 592	16 318	4 497
Moldovan	6	4 300	1 609	526
Polish	5	1 401	9 245	3 959
Slovak*	–	102	212	209
Bulgarian*	–	44	8 604	3 213
Modern Greek	–	–	3 622	1 326
Gagauz	–	–	1 447	–
Hebrew	–	–	2 644	69
Korean	–	–	405	20
Czech	–	–	189	74
German	–	–	78	39
Estonian	–	–	–	19
Turkish	–	–	408	383
Armenian	–	–	28	20
Vietnamese	–	–	10	77
<i>Multilingual schools</i>	1 664			

* Separate classes in schools providing general education.

Table 3
Schools providing general education run by other departments

<i>Language of instruction or study</i>	<i>No. of schools with instruction in this language</i>	<i>No. of pupils being instructed in this language</i>	<i>No. of pupils studying this language as a subject</i>	<i>No. of pupils studying this language optionally or in study circles</i>
Ukrainian	27	5 328	430	–
Russian	4	430	1 013	–
<i>Multilingual schools</i>	1			

Table 4
Private schools providing general education

<i>Language of instruction or study</i>	<i>No. of schools with instruction in this language</i>	<i>No. of pupils being instructed in this language</i>	<i>No. of pupils studying this language as a subject</i>	<i>No. of pupils studying this language optionally or in study circles</i>
Ukrainian	110	9 036	10 877	–
Russian	95	10 478	2 814	700
Hungarian	5	322	–	–
Hebrew	–	–	675	84
Turkish	–	–	239	–
Yiddish	–	–	83	–
Vietnamese	–	–	39	–
Korean	–	–	27	–
Polish	–	–	16	19
<i>Multilingual schools</i>	7			

Table 5
Vocational and technical institutes

<i>Language of instruction</i>	<i>No. of institutes</i>	<i>No. of students being instructed in the language in question</i>
Ukrainian	771	358 515
Russian	35	51 685
<i>Bilingual institutes</i>	113	

Table 6
Higher education establishments with accreditation at levels I and II

<i>Language of instruction</i>	<i>No. of students being instructed in the language in question</i>
Ukrainian	381 500
Russian	59 656
Hungarian	95
Romanian	85

Table 7

Higher education establishments with accreditation at levels III and IV

<i>Language of instruction</i>	<i>No. of students being instructed in the language in question</i>
Ukrainian	1 975 030
Russian	395 186
Hungarian	1 030

225. Bulgarian, Crimean Tatar, Moldovan, Modern Greek, Polish, Russian, Romanian, Slovak, Turkish and Hungarian are studied in higher education establishments in Ukraine.

226. For members of the ethnic minorities that are dispersed about the country, there are cultural and educational centres and Sunday schools, attendance of which is not subject to any age limit. The educational authorities, ethnic and cultural associations and educational organizations contribute to their activities. Azeri, Afghan (Pashto), Belarusian, Bulgarian, Armenian, Hebrew, Italian, Karaim, Korean, Krymchak, Moldovan, German, Modern Greek, Polish, Romany, Tatar, Turkish and Czech language and literature and the corresponding history, culture and popular traditions are studied at these centres and Sunday schools.

227. Ukrainian, being the State language, is studied at all general education establishments without exception.

228. In order to create the requisite conditions for the effective study of Ukrainian by pupils in general schools where ethnic minority languages are the language of instruction, the introduction of a sectoral programme to improve the study of the Ukrainian language in these schools over the period 2008/11 was approved by Order No. 461 of the Ministry of Education and Science of 26 May 2008.

229. The measures provided for in this programme are designed to create the requisite conditions for pupils to learn Ukrainian and to promote their competitiveness on leaving school.

230. This programme has been carried out in Sevastopol and in the provinces of Odesa, Donetsk, Zaporizhzhya, Kherson, Kharkiv and Chernivtsi to ensure the effective teaching of Ukrainian in general schools where ethnic minority languages are the language of instruction and to make sure that school leavers are well prepared for external independent assessment of their knowledge. During the programme's implementation, staff, primarily specialist teachers, were tested to ascertain their command of the Ukrainian language, and a programme to train these teachers during and between terms has been drawn up. Ukrainian classes have been organized for teachers of primary grades, mathematics, chemistry, biology, geography and history. In the educational districts of Donetsk province, advisory centres have been opened for disciplines in which external independent examinations are held, where, in addition to preparation for tests, gaps in knowledge of subject terminology are filled in. Special and optional courses in history and mathematics in Ukrainian have been introduced in the final year at school. In Zaporizhzhya, Kyiv and other provinces, centres have been set up to advise teachers about methods for teaching Ukrainian.

231. The Ministry of Education and Science has drawn up recommendations regarding the implementation of the programme. A draft Government decision provides that teachers in general schools where ethnic minority languages are the language of instruction will be able to pursue free of charge a second degree in Ukrainian language and literature. A draft Cabinet of Ministers decision establishes a higher salary for Ukrainian language and literature teachers working in general schools where ethnic minority languages are the

language of instruction. The Ukrainian literature syllabus for the intermediate grades (grades 5–9) of these schools has been reviewed and revised. Seminars have started to be held in methods of teaching Ukrainian in these schools, the use of innovative technologies in Ukrainian language and literature classes and the special features of current Ukrainian textbooks.

232. Recommendations have been drawn up on methods of using elements of bilingual education for the study of particular subjects in general schools where ethnic minority languages are the language of instruction. The drafting of this document was preceded by a visit of a working group comprising representatives of the Ministry of Education and Science and the Pedagogical Institute of the Academy of Educational Sciences to the Autonomous Republic of Crimea and the city of Sevastopol, where it studied an experiment in the bilingual teaching of subjects in general schools in those territorial units.

233. In order to highlight the experiences of teachers working in general schools where ethnic minority languages are the language of instruction, a permanent column has been established in the magazine *Ukrainskii yazyk i literatura v srednikh shkolakh, gimnasiyakh, litseyakh i kollegiumakh* (Ukrainian language and literature in secondary schools, gymnasiums, lycées and colleges).

234. In order to meet the educational requirements of ethnic minorities, there is a network of vocational and technical institutes reflecting the population's ethnic composition and needs. It is being constantly improved. For example, in Zakarpattia province, members of a number of ethnic groups, including Russians, Hungarians, Romanians and Roma, are receiving vocational training. At the Uzhhorod No. 5 vocational training institute, groups of young Roma are learning how to be watchmakers and, at the Nika industrial training centre, they are training as hairdressers.

235. The Department of Vocational Education in the Ministry of Education and Science has set up an Internet site in Ukrainian and English at www.proftekhosvita.org, which answers all questions related to the vocational training system in Ukraine.

236. In vocational and technical institutes in Ukraine, there are no differences in the levels of education and training given to members of the groups protected by the Convention. An atmosphere of tolerance and intercultural dialogue is fostered in Ukraine. Measures are taken to deepen mutual respect, mutual understanding and cooperation between all persons living in its territory, regardless of their ethnicity, culture, language or religion.

237. The Ministry of Education and Science has created equal opportunities for members of all ethnic minorities, including Roma, to gain access to vocational training. In areas where persons belonging to ethnic minorities have lived traditionally, or where they make up a significant proportion of the population, the Ministry creates the requisite conditions for teaching the language of the minority in question, or for education in that language. In areas where Russian-speakers are concentrated, skilled workers are trained in Russian.

238. For example, there are 876 State vocational and technical institutes, and courses are taught in Russian in 29 institutes in the Autonomous Republic of Crimea and partly in Russian in 6 in Sevastopol, in 3 in Dnipropetrovsk province, in 19 in Donetsk province, in 11 in Zaporizhzhya province, in 63 in Luhansk province, in 13 in Odesa province and in 4 in Kharkiv province.

239. Vocational training colleges are fully equipped with textbooks in general educational and specialist disciplines. This contributes to the implementation of ethnic minorities' right to vocational education.

240. The Refugee Act strengthens refugees' right to education but, as a rule, this category of persons cannot fully enjoy this right; in particular they cannot receive higher education.

Under Ukrainian legislation, refugees are treated as foreign nationals and stateless persons lawfully present in the territory of Ukraine. As far as the implementation of the right to education is concerned, in particular higher education, the result of this status is that refugees may not enjoy this right because, as a rule, they cannot afford to pay for this education.

241. One of the solutions to the problem of refugees' education is the setting up by NGOs of special funds and centres where various courses are organized for refugees and their family members.

242. Thus, in Odesa, with the assistance of UNHCR, the Vita centre has been set up to assist refugees' families. It organizes free Ukrainian, Russian and English courses. A similar centre operates in Kyiv with the support of the Rokada charitable foundation.

243. The Ministry of Education and Science and provincial education authorities pay particular attention to ensuring equality of access to education for Roma children. Roma children learn together with children of other ethnic groups.

244. In the provinces of Zakarpattia and Odesa, where a significant number of Roma live, general schoolteachers' work with Roma children seeks to secure their instruction and social adaptation.

245. As at 1 January 2009, some 1,200 preschool and school-age Roma children were living in Odesa province. Nine hundred Roma pupils, or almost 100 per cent of school-age Roma children, were attending the province's general schools at levels I–III. Four school-age children in the Artsyz and Izmayil districts are not attending school because their parents do not wish them to do so. Specialists from the district education authorities are engaging in the appropriate outreach work with these children's parents.

246. The 6,497 Roma pupils make up 3.6 per cent of the number of children attending the 127 general schools in Zakarpattia province.

247. Roma pupils have the necessary documentation for instruction: birth certificate, health certificate and certificate bearing their identity code. If these essential documents are lacking, education departments take steps to ensure that the children receive them. For example, in the 2007/08 academic year, 14 Roma pupils received birth certificates with the assistance of the education authorities in Bilhorod-Dnistrovskyy district. Four pupils were transferred to individual teaching suited to the children's physical condition and level of knowledge.

248. In order to secure equal access to high-quality education in general schools in rural areas, free transport to school is organized as necessary. All Roma pupils are provided with a free hot meal.

249. The curricula of schools with Roma pupils make provision for the study of Roma culture, customs and traditions. New teaching methods taking account of Roma traditions of upbringing and way of life are likewise being introduced. An illustrated primer for Roma children entitled "The land of the Roma in the expanses of Ukraine. First steps towards the alphabet" has been published with the support of the Zakarpattia cultural and educational charitable foundation.

250. In addition, all Roma children may, at their parents' wish, attend kindergartens. Under the legislation currently in force, a significant proportion of them, like the children of other ethnic groups, attend these kindergartens free of charge or on preferential terms.

251. Roma Sunday schools are in operation in the provinces of Vinnytsya, Donetsk, Kyiv, Odesa and Kharkiv. At these schools, children have the opportunity to study Roma language and literature and the Ukrainian language, to make music and to become familiar with ethnic handicrafts.

252. In Zakarpattia province, 118 Roma students are receiving specialist education in vocational and technical institutes.

(vi) *The right to equal participation in cultural activities*

253. Act No. 2117-XII on the Principles of Ukrainian Cultural Legislation of 14 February 1992 is the main piece of legislation defining the legal, economic, social and organizational principles underpinning the development of culture in Ukraine and regulating social relations in respect of the creation, dissemination, preservation and use of cultural assets.

254. The principles of Ukrainian cultural legislation seek to:

- Realize Ukraine's sovereign rights in the cultural sphere
- Revive and spread the culture of the Ukrainian nation and the cultures of ethnic minorities living in the territory of Ukraine
- Secure freedom of creation and the free development of cultural and artistic processes and of professional and amateur artistic creativity
- Give effect to citizens' right of access to cultural assets
- Afford cultural workers social protection
- Create the material and financial conditions for cultural development

255. Ukrainian cultural legislation does not contain restrictions leading to any kind of discrimination on racial grounds.

256. Citizens' duty to respect the culture, language, traditions and customs of ethnic minorities is embodied in article 11 of the Principles of Ukrainian Cultural Legislation. Under article 56 of the Ukrainian Education Act, teachers and educators have a duty "to prepare pupils and students for a conscientious life in the spirit of mutual understanding, peace and harmony, among all peoples and ethnic, national and religious groups".

257. Ukraine's cultural heritage forms an inalienable part of the European and world cultural patrimony. The unique blend of original elements from the cultures of ethnic minorities gives it a flavour all of its own. The State regards the preservation and development of ethnic minorities' cultures as an important component of national cultural development and the embodiment of fundamental principles of Ukrainian cultural policy.

258. In order to develop and preserve ethnic minorities' cultures, traditions and customs, the State Committee on Ethnic and Religious Affairs, with the participation of the relevant central Government bodies, drew up a set of comprehensive measures to implement State policy in the sphere of inter-ethnic relations and the development of ethnic minorities' culture in Ukraine up to the year 2010. After its approval by the Cabinet of Ministers in May 2007, programmes of this kind taking account of the regional particularities of ethnic development were adopted in 17 provinces.

259. Under the measures, organizational and financial support are provided annually for actions including:

- Cultural awareness-raising campaigns to foster tolerance and respect for the culture, history, language, customs and traditions of various ethnic groups
- An essay competition entitled "Each people's language is uniquely its own", in which members of ethnic minorities take part
- Financial support for newspapers published in ethnic minorities' languages
- Drawing up of syllabuses for integrated philological courses in foreign literature and the literature of ethnic minorities, taught in Russian and other ethnic minority

languages, for general schools where the language of instruction is Russian or another ethnic minority language

- Provincial and interregional competitions in the native language and literature of ethnic minorities
- Assistance for the activities of regional centres promoting ethnic minorities' cultures
- Assistance for the creation of tourist routes in areas where national minorities are concentrated with a view to spreading knowledge of their distinctive ethnic, cultural and linguistic features

260. In order to further the development of the traditions and culture of the Ukrainian nation, publicize the cultural diversity of ethnic minorities in Ukraine and integrate into the European cultural environment, the President issued Decree No. 153 of 25 February 2008 on arrangements for the Year of Intercultural Dialogue in Ukraine in 2008.

261. During the Year of Intercultural Dialogue, events were held in all regions of Ukraine to showcase the cultural and artistic patrimony of ethnic minorities. These events included: the eleventh Polish cultural festival in Rivne province; the second all-Ukrainian museum festival "Museums in the modern multi-ethnic world" in Dnipropetrovsk; the fourteenth festival of ethnic cultures "Constellation of harmony" in Luhansk; the all-Ukrainian festival of ethnic cultural arts "We are Ukrainians" in Zaporizhzhya province; the international festival of ethnic culture to celebrate the tenth anniversary of the Lower Danube Euroregion; the provincial festival of Slovak folk art "Slovak festival 2008"; the tenth international radio and television festival for ethnic minorities "My native land"; the nineteenth provincial festival of Hungarian folk art in Zakarpattia province; and the all-Ukrainian cultural and artistic event "Together in diversity" in Kyiv.

262. In order to teach the younger generation tolerance and respect for the language and culture of other ethnicities and to foster in young people a sense of pride in being citizens of a civilized European State, in 2008 the State supported the holding of the second international creative competition for children and young people "We are all your children, Ukraine" and the all-Ukrainian historical and literary competition "My homeland through the eyes of children from various ethnic groups in Ukraine".

263. The holding of annual summer youth camps called "Sources of tolerance" and the activities of regional tolerance clubs have proved to be effective means of instilling a tolerant attitude to members of other ethnicities in children and young people.

264. Ethnic minorities' right to use their native language as well as the State language in public life and in dealings with the authorities is embodied in the Constitution and in the legislation listed in paragraphs 397–421 of this report.

265. The linguistic rights guaranteed to ethnic minorities in law are given effect in the following manner: conditions are created for study in native languages (paras. 224–252 of this report); information may be passed on and received in native languages (paras. 267–275); and financial support is given for the preservation and development of native languages (para. 266).

266. Since 2005, the budget has made provision for expenditure by the State Committee on Ethnic and Religious Affairs on the implementation of those provisions of the European Charter for Regional or Minority Languages that concern the protection of languages in the field of culture and the media. For example, in the national budget for 2007 and 2008, 963,000 hryvnias (Hrv) were appropriated each year for the financing of measures to preserve and develop the 13 above-mentioned languages. In 2009, this appropriation fell to 96,300 Hrv owing to the economic crisis. This financial support went to ethnic minorities' community organizations responsible for carrying out these measures.

267. Ethnic minorities' requirements for information in their native languages are met by the State Committee on Ethnic and Religious Affairs, the State Television and Radio Broadcasting Committee and, primarily, by State and private radio and television companies. In particular, the State Committee on Ethnic and Religious Affairs 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 a national circulation and receive annual State funding for their activities (Table 8).

Table 8

Volume of funding for newspapers co-founded by the State Committee on Ethnic and Religious Affairs

Newspaper title	Amount of funding (in Hrv)		
	2007	2008	2009 ¹
<i>Aragats</i>	185 000	205 000	130 566
<i>Golos Kryma</i>	280 000	288 000	190 400
<i>Dzennik Kiiovski</i>	195 000	210 000	122 700
<i>Evreiskie vesti</i>	210 000	221 000	117 956
<i>Konkordia</i>	265 000	288 000	208 650
<i>Roden Krai</i>	265 000	288 000	177 600

¹ In 2009, the volume of funding for newspapers was cut owing to the country's difficult economic situation.

Monolingual, bilingual and multilingual periodicals are published in ethnic minority languages (Table 9).

Table 9

Periodicals published in ethnic minority languages

Language of publication	No. of periodicals
Belarusian	2
Bulgarian	4
Georgian	1
Crimean Tatar	4
Moldovan	1
Polish	1
Russian	2 343
Romanian	12
Slovak	2
Hungarian	13
Ukrainian and Belarusian	2
Ukrainian and Armenian	3
Ukrainian and German	11
Ukrainian and Polish	8
Ukrainian and Romanian	2

<i>Language of publication</i>	<i>No. of periodicals</i>
Ukrainian and Hungarian	19
Belarusian and another	1
Bulgarian and another	1
Greek and another	7
Yiddish and another	12
Crimean Tatar and another	1
Lithuanian and another	1
Tatar and another	1
Total	2 639

268. The following companies broadcast to ethnic minorities: the provincial State television and radio broadcasting companies of Zakarpattia, Zhytomyr, Odesa and Chernivtsi, the Krim State television and radio broadcasting company, the Atlant-SV television and radio broadcasting company, the TAV-Dair television and radio broadcasting company in the Autonomous Republic of Crimea, Soyuz TV in the city of Zhytomyr, the TVA television and radio broadcasting company in the city of Chernivitsi, the MAN television and radio broadcasting company, the Nezavisimost Regional Information Centre Ltd. in the city of Lviv, Izmailskaya Telestudia, the Real-ATV radio and television broadcasting organization and the Novosti Pridneprovya radio and television broadcasting organization in Odesa province.

269. The Zakarpattia provincial State television and radio broadcasting company has staff journalists who produce programmes in Hungarian, Slovak, German and Romanian. Preparations are under way for the launch of programmes in the Polish and Gypsy languages. The annual total number of hours of television broadcasts in the following foreign languages is: Hungarian, 92; Slovak, 48; Romanian, 95; and German, 40. The annual total number of hours of radio broadcasts in the following foreign languages is: Hungarian, 164; Slovak, 48; Romanian, 112; and German, 32.

270. The Zhytomyr provincial State television and radio broadcasting company puts out 40 minutes a week of radio programmes and 50 minutes a week of television programmes in Polish and a 10-minute weekly television programme in Czech. The Soyuz TV television and radio company in Zhytomyr likewise broadcasts three hours a week of television programmes in Polish.

271. In the Autonomous Republic of Crimea, the Krim State television and radio broadcasting company broadcasts in Crimean Tatar, Armenian, Bulgarian, Greek and German. Crimean Tatars can watch the following television programmes: *Vozvrashchenie* (Return) (20 minutes, weekly), *Ana Yurt* (30 minutes, weekly), *Dzhanim stirav* (two 30-minute slots a month), *Genchlyk* (30 minutes, weekly), *Miras* (20 minutes, monthly), *Edebii kervav* (20 minutes, monthly), *Khaberler* (two 20-minute slots a week), *Tuvgan tilim* (30 minutes, weekly), *Din ve urf – adetlerimiz* (30 minutes, monthly) and *Shellyale* (25 minutes, weekly). The following radio programmes are transmitted: *Merabaniz balalar* (20 minutes, weekly), *Peshraf* (20 minutes, weekly) and *Musyka aleminde* (30 minutes, monthly). Other television programmes broadcast are: *Bolgarskie vstrechi* for Bulgarians, *Kalimera Ya sas* (15 minutes, monthly) and *Elefteria* (four 15-minute slots a week) for Greeks, and *Hoffnung* (four 15-minute slots a month) for Germans. In addition, the following radio programmes are broadcast: *Barev* for Armenians, and *My vernulis* (We have returned) (two 15-minute slots a month) and *Kryimskii dialog* (Crimean dialogue) (two 30-minute slots a month) for Greeks and Germans.

272. The Chernivitsi provincial State television and radio broadcasting company has a creative unit that produces television and radio programmes in Romanian. Radio programmes in Romanian make up 25 per cent of broadcasts (25 minutes every day on the first national channel). Television programmes in Romanian make up 20 per cent of its broadcasts (two 45-minute slots a week, 5–10 minutes a day, which averages out at 20 minutes a day). The province's TVA television and radio broadcasting company likewise has a television programme in Romanian: it produces and transmits the daily news programme *Novosti* (lasting 10–15 minutes). The Ukrainian National Television and Radio Broadcasting Corporation also transmits radio broadcasts in Romanian (489.9 hours annually).

273. The Nezavisimost Regional Information Centre Ltd. broadcasts in Polish for 10 hours a week on 106.7 MHz in the city of Lviv.

274. The Mariupolskoe televidenie television and radio organization transmits the television programme *Az esm* (two 20-minute slots a week) in Greek in Donetsk province.

275. The Odesa provincial television and radio broadcasting company puts out the following television programmes: *Playul natal* in Moldovan, *Roden kraj* in Bulgarian and *Ana tarafi* in Gagauz (each lasting 30 minutes). The Novosti Pridneprovya radio and television broadcasting company produces and transmits separate radio broadcasts in Moldovan, Bulgarian, Yiddish, Gagauz, Greek and Belarusian.

276. Measures are taken to prevent racial hatred and prejudice in sports competitions.

277. Sports federations and the Ministry for Family, Youth and Sport pay considerable attention to fair play and tolerant behaviour and to combating 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 sportsmen and sportswomen.

278. Representatives of the Ministry for Family, Youth and Sport participate actively in Council of Europe meetings and events within the framework of the Enlarged Partial Agreement on Sport (EPAS) (one of the priorities of which in 2010 is to combat racism) and of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, where racial discrimination is among the issues addressed. One of these events was the International Conference on Ultras, organized by the Council of Europe in Vienna on 17 and 18 February 2010.

279. The Ukrainian Football Federation (FFU) plays an active role in combating manifestations of racism. FFU representatives attended the third Unite Against Racism conference organized by the Union of European Football Associations (UEFA) in Warsaw in March 2009. The conference's main aim was to spread the message that racism, intolerance and discrimination are inadmissible in football and to circulate information about security measures and cooperation with supporters of different nationalities during UEFA EURO 2012 and about the threat of anti-Semitism and nationalism.

280. The FFU adopted a statement regarding the policy of the FFU management on action to counter racism in football, which was circulated to the staff of the national federation, regional federations, associations and the media. The policy statement speaks of the national federation's intention to formulate and introduce a national plan and a set of measures to support the call of UEFA to combat racism in football and its intention to convert it into a long-term action programme and, in addition, to establish a procedure for cooperation in this important matter among all collective members, clubs, trainers, players, referees, delegates, supporters, media and governmental and non-governmental organizations.

281. There are many examples of Ukrainian clubs' energetic struggle against racism and violence. For instance, the premier league football club Ilichevsk from Mariupol has planned and put into effect comprehensive practical measures to coordinate the efforts of the management of the club and stadium and of the local department of the Ministry of Internal Affairs in Donetsk province. The club's management and players have officially asked for fans' support in banning racist slogans and discrimination against footballers, trainers, referees, other officials and spectators because of their ethnicity or skin colour.

282. As part of the Europe-wide Action Week Against Racism, with the support of the Ministry for Family, Youth and Sport and the assistance of the international association Football Against Racism in Europe (FARE), which is an official partner of UEFA, the Karpaty football club and the EURO 2012 department of Lviv municipal council hold an annual football tournament between ethnic minority teams from Lviv and foreign residents of the city. Teams consisting of Armenians, Bulgarians, Poles, Serbs, Lebanese, Tunisians, Jordanians, Brazilians and people from various Islamic countries take part in the tournament.

(f) The right of access to places intended for use by the general public

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

**Article 6
Access to justice**

(a) Measures to assure to everyone effective protection and remedies, through the competent national tribunals and other institutions, against all acts of racial discrimination which violate human rights and fundamental freedoms contrary to the Convention

284. Article 55 of the Constitution states that: "Everyone shall be guaranteed the right to challenge in court the decisions, actions or omissions of the Government, local authorities, their officials and employees. Everyone shall have the right to appeal for the protection of his or her rights to the parliamentary Human Rights Commissioner. Everyone shall have the right, after exhausting all domestic legal remedies, to appeal for the protection of his or her rights and freedoms to the relevant international judicial bodies, or to the relevant bodies of international organizations of which Ukraine is a member or in which it participates. Everyone shall have the right to defend by all lawful means his or her rights and freedoms against violations and infringements."

285. The Code of Administrative Procedure, adopted by the parliament on 6 June 2005, implements this constitutional provision. Under article 6 of the Code, which entered into force on 1 September 2005, everyone is guaranteed the right to the protection of his or her rights, freedoms and interests by an independent and impartial court. No one may be deprived of the right to have his or her case examined by an administrative court under the jurisdiction of which the case falls, according to the Code. Foreign nationals, stateless persons and foreign legal persons enjoy the same right to court protection as Ukrainian citizens and legal persons.

286. One of the principles of administrative procedure is that of the equality before the law and the court of all parties to administrative proceedings (art. 7, para. 1 (3)). No privileges may be granted to or restrictions placed on the rights of parties to administrative proceedings on the basis of race, colour, political, religious or other beliefs, sex, ethnic or

social origin, property status, place of residence, language or other characteristics (art 10, para. 2).

287. The administrative courts' jurisdiction extends in particular to disputes in which natural or legal persons challenge an authority's decisions (laws and regulations or legal acts of individual application), actions or omissions (art. 17, para. 1 (1)) and disputes referred by an authority in the cases stipulated by law (art. 17, para. 1 (4)). Administrative courts examine cases concerning the award of refugee status, expulsion from the territory of Ukraine and readmission.

288. On 25 June 2009, the plenum of the Supreme Administrative Court adopted a ruling on court practice when examining cases concerning refugee status, the expulsion of foreign nationals or stateless persons from Ukraine and disputes related to the presence of foreign nationals or stateless persons in Ukraine. The purpose of the ruling is to ensure that administrative courts follow uniform law enforcement practice when examining this kind of case and, in particular, to ensure the uniform application of the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto and the Refugee Act. The ruling provides a detailed elucidation of the term "refugee" within the meaning of the 1951 Convention and of criteria for determining whether someone is a refugee. In particular, it determines what is meant by the existence of a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". It focuses on standards of evidence, in particular information about the refugee's country of origin, on guarantees of the soundness of personal data furnished by the authorities of the country of origin and on the question of whether confidential information may be divulged to these authorities without the refugee's consent.

289. The Supreme Administrative Court cooperated closely with UNHCR, the State Committee on Ethnic and Religious Affairs, the National Security Service and the Ministry of Internal Affairs when drafting this ruling. Thus, when it was drawn up, generally accepted international standards for the protection of refugees' human rights were taken into account, especially provisions regarding non-discrimination.

290. It must be noted that the ruling was commended by UNHCR and NGOs concerned with refugee matters. For example, in her letter No. 353/09 of 23 June 2009, the UNHCR Regional Representative in Belarus, the Republic of Moldova and Ukraine, Ms. Simone Wolken, noted that judges had begun to pay greater attention to the problems of refugees since administrative courts had been established in Ukraine. For example, of the 125 foreign nationals and stateless persons who had been granted refugee status in Ukraine in 2008, 26 had been given protection by an administrative court decision obliging the State Committee on Ethnic and Religious Affairs to grant persons a status in conformity with the Refugee Act. At the same time, 35 appeals against refusals (under article 10 of the Refugee Act) had resulted in cases being sent back by the courts to the Committee on Ethnic and Religious Affairs for further examination.

291. Administrative courts' practice with regard to issues of racial discrimination has not been studied or generalized because no such precedents exist.

(b) Measures to overcome difficulties in obtaining evidence in civil cases concerning racial discrimination

292. If a citizen is deemed to be a crime victim, under article 49, third and fourth paragraphs, of the Code of Criminal Procedure, he or she may give evidence, furnish proof, submit an application, have access to the whole case file once pretrial investigations are completed, take part in the court hearing, submit objections and lodge complaints regarding the actions of the person conducting the initial inquiry, the investigator, the procurator and

the court and about the court's verdict, decision or ruling or, when the relevant grounds exist, about security.

293. In the cases specified by the Code, the victim has the right to conduct the case for the prosecution in person during the court hearing. The victim may take part in judicial debates. In addition, under article 122, first paragraph, of the Code, the investigator who has deemed a person to be a crime victim informs that person of his or her rights and records this in the decision, which step is attested by the victim's signature. Article 52 of the Code provides for the victim's representation, in particular by a lawyer.

294. Under article 3 of the Code of Civil Procedure, every person has the right, in the procedure established by the Code, to turn to the court for the defence of his or her rights, freedoms or interests when they have been violated, not recognized or disputed. Under article 5 of the Code, the court has a duty to respect the honour and dignity of all parties to civil proceedings and to administer justice on the basis of their equality before the law and the court, irrespective of race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics.

295. It must be noted that civil proceedings are based on the principles of the adversarial system. Parties and other participants are equally entitled to submit evidence, to examine it and to prove its cogency before the court. Under article 57 of the Code, evidence may consist of any facts on the basis of which the court determines the existence or absence of circumstances substantiating parties' claims and objections, as well as of other circumstances of relevance to the judgement.

296. These facts are established on the basis of the statements of the parties, third persons, their representatives, persons examined as witnesses, witnesses' testimony, written evidence, material evidence, in particular sound and video recordings, and experts' findings. Each side has a duty to prove the circumstances on which it relies as the grounds for its claims and objections, except in the cases established by the Code. The evidence is presented to the parties and other participants in the proceedings (arts. 10 and 60).

(c) The power of national human rights institutions, ombudsmen and similar organizations to hear and examine individual complaints regarding manifestations of racial discrimination

297. The office of the parliamentary Human Rights Commissioner has been in operation since April 1998. This is a constitutional body that exercises parliamentary supervision of the observance of human rights and freedoms in Ukraine.

298. According to the Act on the Parliamentary Human Rights Commissioner, the purpose of the parliamentary supervision exercised by the Commissioner is to:

- Protect the human and civil rights and freedoms embodied in the Constitution, national laws and international agreements to which Ukraine is a party
- Ensure the observance and respect of human and civil rights and freedoms by central and local government bodies, their officials and employees
- Prevent violations of human and civil rights and freedoms or contribute to their restoration
- Prevent all forms of discrimination affecting the realization by human beings of their rights and freedoms

299. One of the Commissioner's main duties is to examine individual and collective appeals from Ukrainian citizens, foreign nationals or stateless persons regarding breaches of rights and freedoms, in particular the right to freedom from discrimination, manifestations of racism, xenophobia and other forms of intolerance.

300. The parliamentary Human Rights Commissioner has sufficient power to protect human and civil rights and freedoms and to prevent manifestations of racism and racial discrimination.

Article 7

Measures to combat prejudices leading to racial discrimination, to promote understanding, tolerance and friendship among nations and racial or ethnic groups and to propagate the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention

(a) Education and training

(i) Legislative and administrative measures adopted in the field of education and training to combat prejudices leading to racial discrimination

301. Ukraine's integrated State policy on education operates by giving effect to legislative standards and provisions in this sphere. The laws and regulations in force in the educational field offer a sound foundation for harmoniously combining the interests of all Ukrainian citizens and creating equality in the implementation of their right to education.

302. Article 53 of the Constitution states that: "Citizens belonging to ethnic minorities shall be guaranteed, in accordance with the law, the right to be educated in their native language, or to study their native language at State and community educational establishments or through ethnic cultural societies."

303. The rights of Ukrainian citizens and of all ethnic groups are guaranteed by and anchored in the Declaration on the State Sovereignty of Ukraine, the Constitution, the Ethnic Minorities of Ukraine Act, the Act on Languages in the Ukrainian Soviet Socialist Republic, the Education Act, the Print Media (Press) in Ukraine Act, the Citizens' Associations Act, the Citizenship Act, the Preschool Education Act, the General Secondary Education Act, the Out-of-school Education Act, the Vocational Education Act, the Higher Education Act, etc.

304. These standard-setting texts stipulate that Ukrainian citizens have the constitutional right to free education in all State and community educational establishments, irrespective of sex, 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.

305. National legislation regulating ethno-national processes, including those in the educational field, is shaped by, and put into practice in accordance with, the international norms and recommendations set forth in the Universal Declaration of Human Rights, the Framework Convention for the Protection of National Minorities of the Council of Europe, the European Charter for Regional or Minority Languages, the Hague Recommendations regarding the Education Rights of National Minorities of the Organisation for Security and Co-operation in Europe and other texts.

306. In Ukraine, children's right to education is secured by 19,679 day schools attended by 4,329,339 pupils, 874 vocational and technical institutes attended by 227,860 students, and 674 State and community higher education establishments with 2,243,656 students.

- (ii) *Measures taken to include in school curricula, and in teacher-training programmes and programmes to train other specialists, syllabuses and subjects aimed at promoting the study of human rights in order to improve understanding and tolerance and to strengthen friendship among all groups*

307. The Ministry of Education and Science pays great heed to legal education. The State standard requires primary schools to create conditions permitting the all-round development of younger pupils and to impart to them an elementary knowledge of the State and its laws, and of the rights, duties and responsibilities of individuals and citizens. This is amply covered in the content of the modules “Humankind and the world” and “Language and literature”.

308. The State standard for general secondary education and the curricula for the intermediate and senior grades of the 12-year school system afford opportunities to secure all-round personal development based on universal and national values, to encourage pupils to take an active interest in society and civic life, and to promote their integration in society.

309. Fundamental questions regarding the Convention are covered in the curricula. In general schools, human rights are studied:

- As a separate subject in the syllabus “Practical course in law” (grade 9)
- As an optional subject in senior grades (grades 10–11)
- As a separate component of the syllabus for the further study of law by senior grades (grades 10–11)
- As an optional subject in preparation for specialization
- As short courses devised by teachers
- As courses forming part of other subjects (history, ethics, economics, etc.)

310. In primary schools, elements of legal education are being included in core subjects. For example, it is planned to offer legal instruction, in particular in the rights of the child, through the inclusion of legal knowledge in the syllabus “I and Ukraine” (grades 1–3). For primary schools the optional course “The rights of the child” is recommended, and posters have been issued.

311. At the intermediate level, the continuity of legal education at school can be ensured through the content of other subjects such as ethics (grades 5–6), the history of Ukraine, world history, geography, economics, etc. A block of the ethics syllabus for grade 6 is devoted to the rights of the child. It paves the way to a basic understanding of morals and ethics in a democratic society. It covers such questions as: What are human rights and freedoms? Why are human and children’s rights valued by civil society? How can we respect and protect human rights in a democratic society? What is the correlation between rights, freedoms and obligations?

312. During these lessons, pupils acquire the ability to assess their own and other people’s conduct from the point of view of its impact on society, they study Ukrainian citizens’ rights, freedoms and obligations, and they analyse real-life situations connected with the implementation of human rights and freedoms. The reasons for the link between human rights and freedoms and obligations are explained, and the rights and obligations of pupils are described.

313. For example, the following modules of the course “World history” serve to provide legal education: “Greece in the fourth and fifth centuries B.C.” in grade 6, “The United States of America” in grade 8, the “French Revolution” in grade 9 and “The world economic crisis 1929–1933” in grade 11, etc.

314. In accordance with the standard curriculum for the intermediate and senior grades of general schools, which was approved by Decree No. 145 of the Ministry of Education and Science of 9 March 2005, law is a core subject in grades 9 and 10 and is studied for six hours a week by senior grade pupils specializing in law and economics.

315. The practical course in law is compulsory in grade 9, since it is fundamental to a methodical legal education. One whole section of this course is devoted to the study of human rights. After this, pupils must be able to explain the notions “human rights and freedoms” and aspects thereof, name international human rights instruments, analyse the contents of individual articles of the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child and other international texts concerning human rights.

316. This course must enable pupils to analyse from a legal point of view some phenomena and situations in society and in daily life and to use legal knowledge and skills to realize and protect their rights.

317. The law course is compulsory in grade 10. Its syllabus provides for the study of human rights. These notions are part and parcel of the subject “Fundamental rights, freedoms and obligations of Ukrainian citizens”, which demonstrates the interrelationship between the concepts of “human being”, “individual”, “person” and “citizen”. After following this course, pupils can name Ukrainian citizens’ fundamental rights, freedoms and obligations, identify and describe separate aspects of Ukrainian citizens’ fundamental rights, freedoms and obligations, and compare Ukrainian citizens’ legal status with international human rights standards and the legal status of other States’ citizens.

318. In general schools, the courses “We are citizens” (grade 9) and “Civic education” (grades 9–11) may be studied as options. Their content provides for the study of human rights and their defence.

319. It is recommended that senior pupils who are following specialized courses should study the optional subject “Human rights”. The textbook and syllabus were first issued in 1997. In December 2005, the Ministry of Education and Science recommended a new syllabus and textbook written by T.O. Remekh and others.

320. The purpose of this course is to foster in pupils a spirit of respect for human rights, human dignity and an understanding of the connection between human and civil rights and obligations by developing schoolchildrens’ legal and civil competence and giving them a basic knowledge of human rights and freedoms, a realization of the close link between legal knowledge and community relations and an understanding of the universal principles and values reflected in international human rights standards.

321. National and regional seminars are regularly held on the content, methods and particular features of the above-mentioned courses.

322. In order to improve awareness-raising campaigns aimed at preventing manifestations of ethnic and racial discrimination in Ukrainian society, provincial practical psychology and social work centres have drawn up some methodological recommendations entitled “The essence of conflicts arising from ethnic enmity: possible methods of preventing and resolving them” and have held seminars entitled “Methods for preventing the spread of xenophobia and racism among children, pupils and young students” for the managers of district (municipal) psychological services and methodological consultants responsible for the psychological service and the work of district (municipal) educational methodologists and methodological consultancies.

323. An optional course entitled “Exploring humanitarian law” was introduced in 2000. Its purpose is to instil respect for human dignity and an awareness of the need to comply with social standards in any situation in life and promote an ability to assist those in need of

help. The course is taught from a syllabus and textbook recommended by the Ministry of Education and Science.

324. Educational establishments run a wide range of extracurricular and out-of-school educational activities for which legal scholars, the staff of human rights bodies and other specialists are enlisted. Thus, a national competition called “The rights of the child” has been held for several years in a row. The programme of contests and games always includes tests on human rights law.

(iii) *Steps taken to review all language in textbooks which conveys stereotyped or demeaning images, references, names or opinions concerning groups protected under the Convention, and replace it by images, references, names and opinions which convey the message of the inherent dignity of all human beings and their equality in the enjoyment of human rights*

325. The Ministry of Education and Science is continuing to provide course books and other educational literature for general schools that teach in ethnic minority languages.

326. During the period 2005–2009, the State budget funded the publication of materials for grades 5 to 9 in general schools that teach in ethnic minority languages. These included textbooks in minority languages, an integrated minority language and foreign literature course, Ukrainian language and literature textbooks, and translations of textbooks on other subjects into the minority languages.

327. Eighty-six educational manuscripts were subjected to academic assessment in 2009 as part of the process of producing study materials for general schools that teach in ethnic minority languages.

328. In 2008, the State budget funded the publication of a number of bilingual school dictionaries, both into and out of Ukrainian, from Russian, Hungarian, Romanian, Polish, Moldovan and Crimean Tatar.

329. Training is provided for teachers in general schools and classes that use Russian, Moldovan, Crimean Tatar, Hungarian, Polish, Romanian, Slovak or Bulgarian as their language of instruction.

330. Higher education establishments with accreditation at levels I–IV in all the administrative areas of the country offer training for teaching staff for general education schools that teach in Russian.

331. Teachers for schools that use Moldovan or Romanian as their language of instruction are trained at the Izmayil State University of the Humanities and the Uzhhorod and Chernivtsi national universities; those using Crimean Tatar are trained at the Crimean State Engineering and Teacher Training University and the Taurida National University; those of Hungarian at the Uzhhorod National University; those of Polish at the Volyn, Drohobych Teacher Training, Kyiv, Lviv, Prykarpattia, East Ukrainian and Khmelnytsky national universities; those of Slovak at the Lviv and Uzhhorod national universities; and those of Bulgarian at the Izmayil State University of the Humanities and the national universities in Kyiv, Lviv and Odesa.

332. Training for teaching staff of general schools that teach in ethnic minority languages is also included in the Autonomous Republic of Crimea’s special training plan for local professionals in the social and cultural sphere.

333. The Crimean Engineering and Teacher Training University has broadened the structure and volume of fine arts training it offers. Its faculty of education trains specialists in primary education, preschool education and Crimean Tatar language and literature.

334. The faculty of Crimean Tatar and oriental languages and literature of the Vernadsky Taurida National University provides specialist training in Crimean Tatar language and literature.

335. Simferopol teacher training college, which is part of the Crimean Engineering and Teacher Training University, has an annual budget to train 25 specialists as primary school teachers and teachers of the Crimean Tatar language in primary schools.

336. Postgraduate courses have been introduced at the Crimean Engineering and Teacher Training University and the Crimean Humanities University in Yalta. Specializations in Crimean Tatar literature and in Turkic languages leading to the qualification of Candidate of Science are possible at the Vernadsky Taurida National University.

337. The Drahomanov National Teacher Training University offers a postgraduate course to train teaching staff for the Crimean Humanities University. Support is provided for Crimea's institutes of higher education in preparing curricula, regulations and postgraduate examinations.

338. A centre for teaching methodology and modern teaching aids for minority languages has been set up within the Crimean State Engineering and Teacher Training University.

339. Under the Autonomous Republic of Crimea's special training plan for local professionals in the social and cultural sphere, places are offered each year (more than 90 per cent of the target group) to applicants from the Crimean Tatar, Armenian, Bulgarian, Greek and German groups that were deported from Crimea.

340. Almost 7,000 teachers and lecturers from institutes of further education are given retraining and further training each year in institutes of postgraduate education in the Autonomous Republic of Crimea.

341. Students from the South Ukrainian Teacher Training University's Bilhorod-Dnistrovskyy teacher training institute attend courses with specializations in preschool education or primary education, in institutes of higher education in Bulgaria and the Republic of Moldova. There are similar arrangements with the Bar teacher training college and the Mukacheve State University.

342. Each year, 20 to 25 teachers of Polish come from Poland to work in Ukraine under intergovernmental agreements, on the request of the education authorities.

343. Furthermore, teachers for general schools that teach in ethnic minority languages are given training and further training at postgraduate teacher training institutes in the Autonomous Republic of Crimea, the provinces, and the cities of Kyiv and Sevastopol.

344. The Ministry of Education and Science has developed a number of different study programmes that take account of the specificities of teaching the languages and literature of ethnic minorities in the different types of educational establishment.

(iv) *Steps taken to include in textbooks, at all appropriate levels, chapters about the history and culture of groups protected under the Convention and living on the State's territory, and to encourage and support the publication and distribution of books and other print materials*

345. Since 2009, a group of well-known academics, experts in educational methodology and teachers has been working under the Ministry of Education and Science on the stepwise expert assessment of textbooks on the country's history.

346. The working group uses the United Nations Educational, Scientific and Cultural Organization's textbook assessment scale to analyse the textbooks on Ukraine's history currently used in general schools. This has already been done for the books used in grades 6 to 9. One of the important aspects is that the book should not contain any racial, ethnic or

cultural stereotypes. The experts concluded that the textbooks analysed contained practically no such stereotypes.

347. The second criterion in the assessment is that there should be a critical appraisal of racial, ethnic or cultural stereotypes; unfortunately, this is absent in most of the textbooks. The experts also noted that most textbooks do not give adequate information on other ethnic or cultural groups in the areas where they live.

348. The outcome of the expert assessments was presented to the publishers and authors of the textbooks. The shortcomings will be removed in future editions.

349. The Government has developed a series of measures concerning the publication of textbooks and other study materials to meet the educational needs of Crimean Tatars. Crimean Tatar language and literature teaching programmes have been developed in line with State primary and general secondary education standards, and textbooks are being prepared.

350. Regular work is going on to improve the study materials available to general schools that use Crimean Tatar as the language of instruction. For instance, textbooks for grade 8 students on the Crimean Tatar language and literature have been published, and textbooks on Ukrainian and world history, algebra, geometry, biology, physics, chemistry and physical geography have been translated into Crimean Tatar.

351. A Ukrainian-Crimean Tatar and Crimean Tatar-Ukrainian dictionary is ready for printing. Textbooks for grade 9 students on the Crimean Tatar language and literature have been produced, and study programmes have been developed for students in grades 10 to 12 in specialized schools. Furthermore, the textbook of a spoken course in Crimean Tatar for grade 1 was published in 2009 in 1,000 copies.

352. A total of 496,400 Hrv was provided in financial support for Crimean Tatar-language newspapers and magazines (396,400 Hrv for the newspaper *Kyrym* and 50,000 Hrv for the newspaper *Maarif ishleri*) in 2009.

- (v) *Measures taken for intensive training of law enforcement officials to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin*

353. Information on this issue can be found in paragraphs 64, 113–115 and 501 of this report.

354. The Ministry of Internal Affairs' Plan of Action to Combat Racism and Xenophobia up to 2012 was approved on 18 February 2010 to ensure systematic progress in this area. The Plan includes: (1) educational seminars for staff of the ethnic and religious affairs section of the Council of Ministers of the Autonomous Republic of Crimea, and of the provincial, and Kyiv and Sevastopol municipal administrations, to learn from international experience and positive experience from the regions, and to exchange information on the ways, forms and methods of preventive work to combat xenophobia and ethnic and racial intolerance; (2) an annual European week against torture, with classes, lectures and seminars with individual sections of the internal affairs authorities.

(b) Culture

- (i) *The role of institutions or associations working to develop national culture and traditions and support provided for them by Ukraine*

355. Ukraine is implementing a policy towards the formation of a multicultural society.

356. All the necessary conditions exist in Ukraine for individuals from ethnic minorities to take an effective part in cultural life and State affairs, particularly as they affect ethnic development.

357. Representatives of ethnic minorities are still engaged in the self-organization processes through which community organizations are created, although less so than in previous years.

358. As of 1 January 2010, there were 1,458 ethnic minority organizations in Ukraine, of which 45 existed throughout the country. This total was an increase of 300 compared to 2007.

359. Ethnic minorities in the provinces of Dnipropetrovsk, Donetsk, Zakarpattia, Zaporizhzhya, Mykolayiv, Odesa and Kharkiv and the city of Kyiv show a high level of self-organization.

360. Ethnic minority community organizations participate extensively in the authorities' decision-making processes in respect of issues affecting ethnic development. Consultative and advisory bodies have been set up for this purpose; they include:

- The Presidential Council on Ethnic Policy Issues
- The Council of All-Ukrainian Ethnic Minority Community Organizations, under the State Committee on Ethnic and Religious Affairs
- The Community Council of Representatives of All-Ukrainian Community Organization Education Programmes, under the Ministry of Education and Science
- The Ethnic Minority Cultural Council, under the Ministry of Culture and Tourism

361. Most provincial administrations, with the exception of Dnipropetrovsk, Ternopil and Chernihiv, and Kyiv municipal state administration, have councils of representatives of ethnic minority community organizations, analogous to the Council under the State Committee on Ethnic and Religious Affairs.

362. The State provides organizational and financial support for cultural, artistic and educational events organized by ethnic minority community organizations.

363. The annual State budget includes funding for events to address the cultural, linguistic and information needs of ethnic minorities. The funding is channelled from the State budget, and from the provincial and local budgets and the budget of the Autonomous Republic of Crimea, to the appropriate central executive bodies (see Table 10) according to individual budget programmes.

Table 10

Funding for ethnic minority development programmes from the State budget of Ukraine

Programme code	Title	Annual funding (Hrv)			
		2006	2007	2008	2009
5321030	State Committee on Ethnic and Religious Affairs Measures to encourage the revival of ethnic minority culture, and financial support for newspapers in ethnic minority languages	2 500 000	2 675 000	2 675 000	1 317 500
5321080	Measures to implement the European Charter for Regional or Minority Languages	900 000	963 000	963 000	96 300

Programme code	Title	Annual funding (Hrv)			
		2006	2007	2008	2009
5321040	Programme for the resettlement and rehabilitation of deported Crimean Tatars and persons of other ethnic origin who have returned to take up residence in Ukraine, their adaptation and integration into Ukrainian society for the period to 2010	71 400 000	71 400 000	71 420 800	53 305 600
1801260	Ministry of Culture and Tourism Measures to encourage the revival of ethnic minority culture	1 500 000	1 500 000	1 500 000	150 000
1701070	State Television and Radio Broadcasting Committee Information and cultural services for the population of Crimea on the revitalization and development of its peoples' cultures	458 900	571 900	842 600	910 100

364. Various cultural awareness-raising activities receive indirect State funding: minority language days, minority language competitions and contests, seminars and conferences on ethnic development issues, the publication of textbooks, dictionaries and reference books in minority languages, teaching methods for Sunday schools, etc.

365. The traditional cultural events that receive State support include: the Slavonic culture and writing festival, the national "Poliske circle" festival, the "Shalom, Ukraine" festival of Jewish art, the "Errant Stars" international theatre festival, the nationwide "Koreyada" festival of Korean culture, the international "Kyiv Sandugachi" Turkic-Tatar festival-competition, the "Friendship" Festival of southern Ukrainian ethnic cultures, the "Amala" international Roma festival, the children's Polish song festival, and the "Sunbeam" festival of German community children's and youth groups of Ukraine.

366. To promote harmony between the culture of the Ukrainian nation and those of the formerly deported peoples, the Ministry of Culture and Art of the Autonomous Republic of Crimea works together with ethnic minority community organizations in organizing festivals, competitions, celebrations, concerts, culture days, exhibitions of decorative, applied and fine arts, thematic book exhibitions, workshops and conferences.

367. Collaboration with ethnic minority community organizations is one element in achieving successful inter-ethnic relations and guaranteeing the rights of ethnic minorities; cooperation between central and local authorities is thus particularly important, as positive outcomes for many issues related to the development of ethnic minorities can depend on coordination between these levels.

368. In cooperation with ethnic minority community organizations, local authorities have organized regular meetings to resolve specific issues affecting the minorities; they monitor the inter-ethnic situation; work to prevent xenophobia and discrimination on the basis of ethnic or religious origin; and have provided funding for events that promote development for ethnic minorities.

369. The positive experience of providing premises for ethnic minority community organizations in Dnipropetrovsk, Zakarpattia, Zaporizhzhya, Poltava and Sumy provinces should be singled out for mention.

370. The work of the Donetsk, Zakarpattia, Zaporizhzhya, Mykolayiv, Odesa and Kharkiv provincial administrations, Sevastopol municipal administration and the Autonomous Republic of Crimea's National Committee on Inter-Ethnic Relations and

Deported Citizens shows how appropriate funding is provided to meet the cultural, linguistic, information and other needs of ethnic minorities. A total of 6,168,000 Hrv was allocated to these purposes from the national, provincial and municipal budgets in 2009.

371. In 2009, there were more than 2,700 amateur theatre, music and folklore groups meeting the cultural needs of ethnic minorities.

372. Ethnic cultural centres also help to meet those needs. As of 1 January 2010, there were 96 such centres, of which 12 were funded from local budgets:

- The national Bulgarian cultural centre in Odesa
- The Bulgarian cultural research centre in Bolhrad
- The ethnic cultural centre in Izmayil district, Odesa province
- The ethnic cultural centre in Reni district, Odesa province
- The centre for the arts in Izmayil, Odesa province
- The Zakarpattia ethnic minorities cultural centre, Uzhhorod
- The Sevastopol ethnic cultural centre
- The Styl rural house of Greek culture, Donetsk province
- The Volnovakha municipal ethnic cultural centre, Donetsk province
- The Velikoanadol rural Greek cultural centre, Donetsk province
- The house of ethnic cultures, Luhansk
- The municipal ethnic cultural centre, Mykolayiv

373. A total of 2,557,000 Hrv was allocated to the centres' activities from the provincial budgets.

374. Etnos, a State publishing company that specializes in ethnic minority languages, and regional State publishing houses in Dnipropetrovsk, Lviv, Odesa, Simferopol and Uzhhorod publish literature in the languages of the ethnic communities.

375. The State Television and Radio Broadcasting Committee has an annual socially relevant publications programme, which includes State funding for the publication of literature for Ukraine's ethnic minorities.

376. An important area of work for the Ministry of Culture and Tourism is the promotion of ethnic minority cultures in the country's museums.

377. The National Museum of Literature has worked for many years with ethnic minority community organizations, the Institute of Judaic Studies, the Polish Institute in Kyiv and the publishing company Etnos, which specializes in literature in ethnic minority languages.

378. The most outstanding examples of links between Ukrainian literature and the literature of other ethnic groups can be found in the museums' permanent exhibitions. Visitors can find out about the life and works of the classic Yiddish author, Sholom Aleichem, and the Georgian poet and warrior, David Guramishvili.

379. The National Museum of Literature has a series of events on ethnic minority cultures.

380. The National Museum of History has an exhibition section on Ukraine as a multi-ethnic State. It includes material on the activities of the different ethnic cultural communities and associations (Russian, Lithuanian, Jewish, Hungarian, Polish, German),

showing that the conditions exist for the revival and development of ethnic minority cultures.

381. The exhibition includes literature in the languages of the ethnic minorities of Ukraine. There is extensive coverage of the restoration of the Autonomous Republic of Crimea and the regularization of the status of the Crimean Tatar people of Ukraine.

382. The second national museum festival on “Museums in the multi-ethnic world of today” was held at the Yavornytsky historical museum in Dnipropetrovsk, with the support of the Ministry of Culture and Tourism.

383. The “Dialogue of Two Cultures”, a series of Ukrainian-Polish literary arts meetings, is held at the Slovatsky literary memorial museum in Kremenets, Ternopil province, and the National Museum of Przemyśl Land in the town of Przemyśl.

384. The local history museums in the provinces have both permanent and temporary exhibitions featuring the multi-ethnic composition of their region’s population, showing the origins of the ethnic groups, and promoting relations of tolerance and friendship between representatives of the different ethnic groups in Ukraine.

385. The information and library services available to members of ethnic minority groups should be highlighted: 360 libraries in the country have ethnic minority literature sections.

386. The libraries have literary chat forums and interest groups, they organize events to popularize the cultural heritage of the ethnic groups, their languages, traditions and ceremonies.

387. The Gasprinsky Crimean Tatar library was set up in the Autonomous Republic of Crimea in 1995.

388. The National Parliamentary Library in Kyiv regularly provides selections of books to the accessions of libraries that serve members of ethnic minority groups.

389. The Ostrovsky universal scientific library in Khmelnytsky province publishes an annual list of the ethnic minorities of Khmelnytsky.

(ii) *Linguistic policies adopted and implemented in Ukraine*

390. The basic principles of Ukraine’s language policy are set out and defined in the Constitution and in the following laws: the Act on Languages in the Ukrainian Soviet Socialist Republic, the Education Act, the Preschool Education Act, the General Secondary Education Act, the Vocational Education Act, the Higher Education Act, the Ethnic Minorities of Ukraine Act, the Information Act, the Television and Radio Broadcasting Act, the Publishing Act and the Print Media (Press) Act. In addition there is an array of laws and regulations and also State programmes establishing public policy for the development and use of the State language and the languages of ethnic minorities.

391. One such text is Presidential Decree No. 161 of 15 February 2010, which approved a framework for a language policy.

392. This framework was adopted to provide a coherent and balanced approach to questions related to language and to define strategic priorities and orientations to address language-related issues in Ukraine’s culture and information sector, while ensuring respect for the linguistic rights of Ukraine’s citizens and also upholding the country’s unity.

393. The preamble to the framework states that language policy plays a leading role among State priorities. The policy’s strategic aim is to ensure strict respect for the constitutional guarantees related to the comprehensive development and use of the Ukrainian language as the State language in all spheres of public life and throughout the country, and also related to the free development, use and defence of the languages of

ethnic minorities. The policy is aimed at meeting the linguistic needs of the country's citizens.

394. In addition, Ukraine has signed and ratified the European Charter for Regional or Minority Languages, under which it has undertaken to protect and promote 13 languages: Belarusian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, Moldovan, Polish, Romanian, Russian, Slovak and Yiddish.

395. Article 10 of the Constitution states that in Ukraine, "the free development, use and protection of Russian and other languages of ethnic minorities of Ukraine" is guaranteed.

396. Article 53 of the Constitution and article 6 of the Ethnic Minorities of Ukraine Act guarantee that citizens belonging to ethnic minorities have the right to receive education in their native language or to study their native language in State and communal educational establishments or via ethnic cultural associations.

397. According to article 8 of the Ethnic Minorities of Ukraine Act, "State bodies, voluntary associations and enterprises, institutions and organizations in locations where the majority of the population is a specific ethnic minority may use the minority's language along with Ukrainian, the State language". This standard is also established in article 3 of the Act on Languages in the Ukrainian Soviet Socialist Republic.

398. Article 18 of the Act on Languages in the Ukrainian Soviet Socialist Republic and article 10 of the Judicial System Act stipulate that court proceedings in Ukraine are held in the State language.

399. Other languages are used in court proceedings in cases and in accordance with procedures set out by law. Persons who are not, or not sufficiently, proficient in the State language have the right to use their native language and to benefit from interpretation services during court proceedings. In cases mentioned by the procedural law, that right is ensured by the State.

400. Under article 19 of the Code of Criminal Procedure, proceedings take place in Ukrainian or in the language of the majority of the population of the location in question. If the persons taking part in the case are not proficient in the language in which the case is heard, they have the right to make a statement, give testimony, file applications, be informed of all the evidence in the case and speak in court in their native language, and to use the services of an interpreter, as established in the Code. Articles 45 and 691 of the Code set out guarantees for the right of those taking part in court proceedings to use their native language or a language in which they are proficient, and to make use of the services of an interpreter.

401. In accordance with the procedure established by the Code, court documents handed to accused persons are to be translated into their native language or another language in which they are proficient (Code of Criminal Procedure, arts. 254, 341 and 344). The court is obliged to explain to persons taking part in a case their rights and to ensure that they have the opportunity to realize those rights (art. 53). In addition, article 370 of the Code provides a list of circumstances in which sentences must be overturned, including the violation of the right of accused persons to use their native language or a language in which they are proficient and the right to be assisted by an interpreter.

402. Article 7 of the Code of Civil Procedure of 18 March 2004 and article 15 of the Code of Administrative Procedure establish the right of those persons taking part in proceedings who are not, or not sufficiently, proficient in the State language to make statements, give explanations, testify in court and file applications in their native language or in a language in which they are proficient, using the services of an interpreter (Code of Civil Procedure, arts. 27 and 50, Code of Administrative Procedure, arts. 49 and 65).

403. Court documents are drawn up in the State language.
404. An interpreter may be admitted by decision of the court, responding to a statement by a person taking part in the proceedings (Code of Civil Procedure, art. 55, para. 2). In administrative proceedings, article 68, paragraph 2, establishes that an interpreter may also be designated by the court. The court provides an interpreter if it concludes that, as a result of an inability to pay for interpretation services, a person would be deprived of judicial protection. Expenses related to civil and administrative cases are currently borne by the parties. According to the respective provisions of the Codes, a party that has won a court decision and that is not in a position of authority is guaranteed the right to compensation for expenses incurred, including for the hiring of interpreters (per diems for travel and compensation for lost wages or for the interruption of the interpreter's normal work).
405. The respective Instructions for procedures at general courts of appeal, at general local courts and at administrative courts of appeal and local administrative courts stipulate that the case work is drawn up in the State language. All court documents are drawn up in the State language, taking into consideration the country's applicable procedural laws.
406. Defendants who are not proficient in the language in which the indictment and the summons are written are given those documents translated into their native language or another language in which they are proficient.
407. A copy of the verdict is given to the person convicted or acquitted once the verdict is announced, within a period established by the legislation on criminal procedure. If the verdict is written in a language in which the person is not proficient, a written translation must be provided in the person's native language or a language in which he or she is proficient. The translation must be done by a translator, and the expenses are covered by the court.
408. Under article 268 of the Code of Administrative Offences, persons charged with administrative offences have the right inter alia to speak in their native language and to use the services of an interpreter if they are not proficient in the language in which the proceedings are conducted.
409. Under article 68 of the Code of Administrative Procedure, an interpreter or translator is a person who is fluent in both the language in which the administrative procedure is conducted and another language, knowledge of which is required for oral or written translation from one language to the other, or a person capable of communicating with persons who are deaf, mute or deaf-mute.
410. The interpreter is admitted by decision of the court at the request of a person taking part in the case, or may be designated on the initiative of the court. The court provides an interpreter if it concludes that, as a result of an inability to pay for interpretation services, a person would be deprived of judicial protection.
411. Interpreters who intentionally mistranslate or who, without reasonable cause, refuse to carry out their assigned tasks are subject to criminal prosecution.
412. The language used in notarial documentation is governed by article 20 of the Act on Languages in the Ukrainian Soviet Socialist Republic, which states that such documentation must be in the language of the location where the proceedings in question are carried out. At the same time, if applicants for notarial services do not understand the language used for the documentation, the documents in question must be translated for them by the notary or a translator (article 15 of the Notaries Act). Furthermore, under paragraph 6 of the Instructions for the performance of notarial services approved by Ministry of Justice Order No. 18/5 of 14 June 1994, persons who are not proficient in the language in which a document is prepared must sign the document using a language they know.

413. Under article 16 of the Act on Bodies Responsible for the Registration of Civil Status Documents, paperwork at civil status registration offices is done in the language specified by the national law on languages. Cabinet of Ministers Decision No. 1367 of 12 September 2002, which approved the models for civil status registration books and the forms for certificates issued by State civil status registration agencies, specifies that such documents are to be filled in using only the State language.

414. Article 6 of the Citizens' Appeals Act stipulates that citizens have the right to address State and local government bodies, enterprises, institutions and organizations (regardless of their form of ownership), citizens' associations and officials in either Ukrainian or other languages acceptable to the parties.

415. Article 26, paragraph 1 (50), of the Local Government Act states that rural, village and municipal councils have the exclusive right to decide, in accordance with the law, which language or languages are to be used by them and by their executive bodies.

416. Article 15 of the Act on Languages in the Ukrainian Soviet Socialist Republic stipulates that Ukrainian is to be the language used at congresses, sessions, conferences, plenary meetings, meetings, sittings, consultations and other gatherings of State, party and public bodies, enterprises, institutions and organizations. In the circumstances set out in article 3, paragraph 2, of the Act, the ethnic language of the majority of the population at a given location may be used at such events, in addition to Ukrainian; in the circumstances set out in article 3, paragraph 3, a language acceptable to the local population may be used.

417. Forums involving more than one republic, those covering all of Ukraine and international forums taking place in Ukraine use languages designated by their participants.

418. Among the central executive bodies, the main agency responsible for State language policy is the Ministry of Culture and Tourism.

(c) Information

419. On 19 March 2009 representatives of State bodies (the Cabinet of Ministers, the National Television and Radio Broadcasting Council, the National Expert Commission on the Protection of Public Morality) and of the media signed a partnership charter for information rights and freedoms and for the protection of public morals. The signatories, considering the need to prevent the emergence or spread of xenophobia, anti-Ukrainian sentiment, anti-Semitism, racism and incitement of interregional, inter-ethnic or interreligious conflict, and in support of tolerance and civil harmony in Ukraine, agreed to this charter; it states that the media will ensure strict observance of the laws on public morality, and will not permit the spread of xenophobia, anti-Ukrainian sentiment, anti-Semitism, racism, advocacy of violence or incitement of interregional, inter-ethnic or interreligious conflict.

420. In its international news programmes the Ukrainian national television company has raised awareness of the need to combat xenophobia, intolerance and anti-Semitism.

421. The State broadcaster Ukrainian Television and Radio Broadcasting Corporation's world service, in its *Puls* (Pulse) and *Puls-Nedelya* (Pulse of the Week) news programmes, covered a meeting between the President of Ukraine, Mr. Viktor Yushchenko, and representatives of ethnic cultural societies in Zhytomyr province. The President declared that Ukraine's policy for the development of inter-ethnic relations was a source of pride: "Our aim is to create the conditions and the principles required to meet the cultural and educational needs of any ethnic group living in our country."

422. Reports were also carried on the celebration in Kyiv of the International Day for Tolerance, which by a decision of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has been observed since 16 November 1995, and on a meeting of

a working group of experts of the Centre for Security and Law and Order. Participants in that meeting adopted a decision on more effective ways of preventing football fans from committing illegal acts during matches.

423. By order of the Cabinet of Ministers, and with the assistance of the International Organization for Migration, provincial State broadcasting companies have carried public service videos and radio spots against xenophobia and racial intolerance. Ukrainian and international human rights defence organizations consider that this initiative has helped to build tolerance in Ukrainian society.

424. The Vinnystya VDT-6 television station reports on the fostering of tolerance and harmony in Ukrainian society in its *Svoi i chuzhie* (Ours and theirs), *Novy den* (New day) and *Obektivno o* (Objectively about) programmes. The *Edinstvennaya semya* (Unique family) provincial radio programme and the *Rezonans* (Resonance) and *Vektor* (Vector) news programmes report on ways of combating xenophobia and racial and ethnic discrimination.

425. The Donetsk provincial State television and radio company has prepared a radio programme entitled *Slovo za slovom* (Word for word) and the broadcasts *XX vek* (Twentieth century) and *Chisty kolodets* (The clean source) to address this subject.

426. The Zhytomyr provincial State television and radio company provides information on ways of combating anti-Semitism in the *Novosti zhitomirshchiny* (Zhytomyr news) news programme and in the *Radiokurier* (Radio express) and *Rodnye gorizonty* (Native horizons) broadcasts.

427. The Zakarpattia provincial State television and radio company carries live transmissions from the places of worship of the various religions, thus providing equal opportunities for representatives of different confessions to have air time. All religious communities also have the opportunity to communicate with viewers on the weekly programme *Slovo vechnosti* (The eternal word).

428. The problems of illegal migrants are discussed live once a month on a programme called *Dobry vecher, Zakarpate!* (Good evening Zakarpattia).

429. The Zakarpattia provincial State television and radio company, in a live, weekly programme carried on Fridays entitled *K i posle* (Until and after), addresses various moral and ethical aspects of tolerant cohabitation between different ethnic and religious groups.

430. The Ivano-Frankivsk provincial radio service regularly broadcasts the programmes *Otchy svetilnik* (The paternal lamp), *Vy nam interesny* (We are interested in you) and *Nashe pravo* (Our right), which address the defence of public morals and ways of combating ethnic and religious intolerance.

431. The *Izo dnya v den* (From day to day) news programme and the *Tema dnya* (Topic of the day) programme of the Kirovohradsk provincial State television and radio company have included interviews and discussions with the leaders, clergymen and the active membership of various branches of the Orthodox church to strengthen mutual understanding and tolerance and explain the legal liability incurred for incitement of enmity and for offending the feelings of believers.

432. The Poltava provincial State television and radio company has covered this subject in the *PTN* news programme and in the *Krupnym planom* (The big picture) and *Istorichesky aspekt* (Historical view) programmes.

433. The Sumy provincial television and radio company most often addresses xenophobia, racial and ethnic discrimination in programmes targeting schoolchildren and students. In addition, the Sumy provincial State television and radio company and Vidikon

television and radio company in their news broadcasts have reported on events held for Christmas and for festivals celebrated by the ethnic minorities in the Sumy region.

434. The Chernivtsi provincial television station has a programme called *Mir rodnoho slova* (The world of our native word) that introduces viewers to the problems of language and culture. It covers the activities of local ethnic and cultural societies and trans-border cooperation in language studies between the Fedkovich Chernivtsi National University in Ukraine and the Ștefan cel Mare University in Suceava, Romania.

435. A broadcast called *Bukovynskaya semya* (Bukovyna Family) has reported on the activities of cultural societies in the Bukovyna region, including the Johann Friedrich von Schiller Austro-German association, the Adam Mickiewicz Polish association and the Elieser Steinberg Jewish association.

436. The Chernivtsi provincial radio has a programme called *Ukraina – rodnoi kraï* (Ukraine – our land), which describes the region's ethnic minorities and their life, traditions, customs and education, as well as the work of cultural associations.

437. The provincial press and information administrations monitor the regional media so as to strengthen oversight of the print and electronic media and prevent the placement or the broadcasting of material inciting ethnic, racial or religious hatred or enmity.

438. The editorial boards of media outlets invite, inter alia, clergymen of the various religions, staff of executive and local government bodies, legal specialists, teachers, representatives of the Ukrainian security service, psychologists and public figures to work with them.

439. In Volynka province, a public awareness campaign has provided information on measures to combat xenophobia and ethnic intolerance in Ukrainian society. All forms of the media have been monitored in order to ensure that no material inciting ethnic, religious or racial hatred is carried. No such cases have been found in the province.

440. In Ivano-Frankivsk province, the newspapers *Galichina* (Halychyna), *Mir molodezhi* (The world of youth), *Okna* (Windows), *Krai* (The land), *Galitsky korrespondent* (Galicia correspondent), *Zapadny kurer* (Western express), *Novaya zarya* (New dawn), *Svecha* (The candle), *Reporter* (Reporter) and others regularly inform their readerships about compliance with the law combating xenophobia and racial and religious enmity and about special programmes and legal training days, and explain citizens' responsibility for violating standards of public behaviour. Provincial and district newspapers have provided information under headings such as *Pozitsiya* (Position), *Obshchestvo* (Society), *Dukhovnye monologi* (Spiritual monologues), *O tom, chto volnuet* (That which moves us), *O lyudyakh kraya* (The people of the land), and *Figury* (Figures).

441. The media in Luhansk province has given comprehensive coverage to questions discussed during the Luhansk Assembly of Peoples.

442. The "Constellation of Harmony" annual folk cultural festival, the "Lemko Paths" Lemko cultural festival and the "Saviour of the Outskirts" Ukrainian national folk culture festival competition of amateur groups and performers have received a great deal of coverage in the press (for example, in the *Novosti Svyativshchiny* (Svatove news) district newspaper, under the title "Friends united again at the festival"; in the provincial council publication *Nasha gazeta* (Our newspaper), under the title "Lemko paths"; and in news coverage by provincial television and radio companies under "Supporting the unique culture of the Lemko").

443. The Luhansk German cultural and educational association *Wiedergeburt* (Renaissance) received help in raising public awareness and in organizing participation by representatives of Luhansk province in the fourth Congress of Germans of Ukraine.

444. Along the same lines, appropriate media support was provided for the opening at the Dahl Eastern Ukraine National University of a Czech language and cultural centre, with the Ambassador of the Czech Republic in Kyiv, Mr. Jaroslav Bašta, and the Consul-General of the Czech Republic in Donetsk, Mr. Antonín Murgaš, in attendance (the event was carried more than 20 times on provincial television and radio stations).

445. The provincial State administration's and the Luhansk provincial State radio and television company have general media projects that include series of broadcasts aimed at supporting recognized standards for inter-ethnic relations, universal human values and the legal aspects involved in preventing any manifestation of xenophobia or racial intolerance. These have included special episodes of the *Aktsent* (Accent), *Aspekt* (Aspect), *Yuridicheskaya studiya* (Legal studies), *Realii* (Fundamentals), *Gosudarstvo i my* (The State and us), *Dela zhiznennye* (Vital matters), *Panorama* (Panorama) and *My* (We) programmes.

446. The rebirth of ethnic awareness and preservation of the ethnic identity of the residents of Luhansk are regularly discussed in interactive programmes and talk shows carried on the provincial television stations (Luhansk provincial State radio and television company's *Nota bene: zametki na polyakh* (Nota bene: notes from the field); the Luhansk Cable Television provincial association's *Tri kita: politika, ekonomika, kultura* (Three pillars: politics, economics and culture); and the IRTA national television and radio company's *180 minut* (180 minutes)).

447. The Ukrainian press has paid particular attention to measures aimed at preventing illegal acts involving incitement of national, racial or religious hatred or enmity, attacks on the honour or dignity of ethnic groups and insults of citizens related to their religious beliefs.

448. The periodicals of institutions of higher learning in Sumy province systematically report on the life of foreign students, on customs and traditions and on organized public events held to ensure friendly and tolerant relations with representatives of other ethnic groups.

449. Among the public and private media's publications, the following are worthy of mention: "Den belogo trostnika" (The day of the white reed) (in *Polesie* (The Marshes)); "Almanakh romskoi kultury vydan v Sumkakh" (An anthology of Rom culture, issued in Sumy) (in *Sumshchina* (Sumy Region)); "Chto uslyshali v khrame" (What was heard in the temple) (in *Yarmarka* (Fair)); "Obshchy prazdnik" (Shared holiday) and "Strana belo tuchki" (The country of the little white cloud) (in *Panorama* (Panorama)).

450. Periodicals in Ternopil province have included sections reaffirming the high moral and spiritual values, traditions and customs of Ukrainians and upholding respect for the originality of the ethnic groups living in the province. In the provincial newspaper *Svobodnaya zhizn* (A free life), such headings as "Perom publitsista" (The columnist's pen), "Vechnye istiny" (Eternal truths), "Govori, istoriya" (Speak, history), "Narushaem problemu" (We will fix the problem), "Zhizn nasha" (Our life) and others advocating tolerance and respect for ethnic groups and peoples are popular with readers.

451. Material on this subject has been published in newspapers in Kharkiv province: *Stroitel* (The builder) ("Ksenophobia – sotsialnoe zlo" (Xenophobia, a social evil)); *Slobodskoi krai* (Land on the outskirts) ("Plevok ot neofashizma" (Spitting at neofascism)); *Selskie novosti* (The rural news) ("Opasnie igri" (Dangerous games)); *Vesti Dergavshchini* (News of Dergavshchina) ("Opasnie igri" (Dangerous games)); *Gorizonty Izyumshchiny* (Izyum horizons) ("Za propagandu natsizma i fashizma v Ukraine ..." (For nazi and fascist propaganda in Ukraine ...)); *Luch* (Lightbeam) ("Proyavleniya fashizma" (Manifestations of fascism)); *Ukrainskoe prostranstvo* (Ukrainian space) ("Nuzhen li nam 'russky mir' v

Ukraine” (Do we need a “Russian society” in Ukraine)); *Kharkovskie izvestiya* (Kharkiv news) (“Bez mezhnatsionalnoi rozni” (Without inter-ethnic discord)); and others.

452. The Chernivtsi newspaper *Versii* (Versions) published “Bukovina uzhe imeet ‘Kulturny landschaft’ i budet imet Dom natsionalnosti” (“Bukovyna already has a ‘Cultural scene’ and will have an ethnic centre”), describing how the “Cultural scene” association of ethnic societies had approved the Magistral Tolerantnosti (Highway of Tolerance) programme to harmonize inter-ethnic and intercultural relations and prevent xenophobia. It also adopted a Declaration on cooperation by the province’s ethnic and cultural associations for the implementation of the programme.

453. The press and information administrations of the provincial governments have constantly drawn the attention of the local press to the need to foster implementation of the Plan of Action for the Prevention of Xenophobia, Racism and Ethnic Discrimination in Ukrainian Society.

III. Comments on the Committee’s concluding observations

454. In its concluding observations of 19 October 2006 (CERD/C/UKR/CO/18), the Committee expressed its concern and made recommendations on a number of questions considered hereunder.

A. Paragraph 6

The Committee recommends to the State party that it ensure adequate funding for the effective and independent functioning of the Parliamentary Commissioner for Human Rights with a view to strengthening its expertise in all areas of human rights, as well as its capacity to process complaints. It should also widen public access, including by minority groups, to the Commissioner’s Office at the regional, district and municipal levels.

455. According to article 12 of the Act on the Parliamentary Human Rights Commissioner, the Commissioner’s activities are funded from the State budget, and are the subject of a specific appropriation every year.

456. The Commissioner draws up and submits for approval to the parliament an estimate of expenditure, and is also responsible for its implementation.

457. The Commissioner submits financial reports, as provided by law.

458. The parliament and the relevant executive and local government bodies establish the conditions required for the Commissioner, his or her Office and its representatives to carry out their work.

B. Paragraph 7

The Committee recommends that the State party proceed with the adoption of a comprehensive Anti-Discrimination Bill which also covers indirect discrimination, in accordance with article 1 of the Convention.

459. Under the plan for implementation of the recommendations to improve the human rights situation in Ukraine that were issued when Ukraine’s case was considered by the Human Rights Council’s universal periodic review mechanism in May 2008, a bill will be drafted to combat all forms of discrimination and to adopt a policy establishing institutional mechanisms to that end.

460. Combating xenophobia and discrimination has been included among the basic activities of State and local government bodies.

C. Paragraph 8

The Committee recommends to the State party that it take preventive measures against acts directed against persons or religious sites belonging to minorities and that it investigate such acts and bring perpetrators to justice.

461. The regulations set out in the special part of the Criminal Code establish liability for the defacement of sacred structures or places of worship (art. 178), unlawful custody, desecration or destruction of religious shrines (art. 179), unlawful obstruction, disturbance or the threat of disturbance of a religious ceremony or coercion of a cleric into the performance of a religious ceremony through physical or psychological force (art. 180).

462. The parliament of Ukraine adopted a law amending certain legislative acts of Ukraine (on increasing the penalties for the desecration of graves and other burial sites). The law makes the desecration of graves and other burial sites or of a corpse (remains or ashes), or theft of objects located at graves or other burial sites or on the body of the deceased, punishable by a fine of up to 100 times the non-taxable minimum personal income, detention for up to 6 months, restriction of liberty for up to 3 years or deprivation of liberty for up to 3 years. Aggravated forms of such acts are punishable by deprivation of liberty for 5 to 12 years.

463. Parliament amended the Criminal Code in November 2009, significantly increasing the liability (including criminal liability) for offences motivated by racial, ethnic or religious intolerance.

464. As at 1 January 2010, there were 35,184 religious organizations in Ukraine, more than 1,000 of them representing ethnic religious groups. The majority of them (571 registered religious organizations) were established by followers of Islam. Judaism is represented by 297 religious organizations, the Zakarpattian (Hungarian) Reformed Church by 118, the German Evangelical Lutheran Church by 39 and the Armenian Apostolic Church by 28. There are also small ethnic Czech, Gothic, Korean and Swedish religious communities, Karaite and Krymchak communities (13) in the Autonomous Republic of Crimea and Mennonites in Kherson and Zaporizhzhya provinces.

465. In terms of inter-ethnic and interfaith relations, Ukraine is considered by experts to be a stable State, in which there has not been a single serious ethnic sectarian conflict. At the same time, evidence of vandalism and other unlawful acts involving the desecration and damaging of commemorative signs, memorial complexes and gravestones and burial sites of ethnic minorities are brought to the attention of the government authorities by international and national experts, religious figures and the media. There are at present about 19,500 memorial complexes and cemeteries in Ukraine, 2,400 of which are guarded.

466. Available data and records of court decisions show no indication of systematic violence or other asocial behaviour in Ukraine. These data reflect an overall downward trend in vandalism of the religious property of ethnic minorities between 2007 and 2009.

467. There were seven reports of vandalism involving sacred structures, shrines, gravestones and burial sites of members of religious minorities in 2007, four in 2008 and none in 2009.

468. The law enforcement bodies conducted investigations and instituted criminal proceedings pursuant to the reported incidents. The perpetrators of the acts were brought to justice in accordance with the current law. The central and local government authorities have taken measures that provide for the allocation of appropriate budgetary resources to

restore damaged gravestones, special militia units have begun to patrol cemeteries, and video surveillance cameras have been installed at memorial complexes.

469. At the same time, not a single case has been recorded of representatives of churches or religious organizations publicly stirring up xenophobic feelings. 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 get rid of prejudice and negative stereotypes, and promoting tolerance.

470. A series of measures is being taken at the State level for this purpose, including: aligning national legislation on freedom of religion and conscience with international laws and regulations 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.

471. The State Committee on Ethnic and Religious Affairs is engaged in law-making efforts to improve the regulatory framework for the prevention of intolerance, xenophobia, anti-Semitism and racism. Bills are being drafted to this end on a conceptual framework for church-State relations, and on freedom of conscience and religious organizations (revised version). National and international experts consider that these laws will help to create a proper climate for subsequent improvements in church-State relations and the procedures for adapting domestic legislation to European Union law on freedom of conscience and religion. The laws and regulations are scheduled to be taken up by parliament in 2010.

472. The State Committee on Ethnic and Religious Affairs is taking a set of measures to prevent and combat the likelihood of anti-Semitism, xenophobia, racism and religious discrimination. In April the Council of Representatives of Religious Boards and Centres of Muslims of Ukraine, reconstituted on the initiative of the State Committee on Ethnic and Religious Affairs, held its founding session under Committee auspices. The Council has been called on to coordinate interaction and dialogue between the Muslim religious centres and the executive authorities of the State, to develop an effective mechanism for combating radicalism in Muslim religious settings and to help to eliminate confrontation between Muslim and Christian parts of the State.

473. The measures taken are helping to promote a climate of tolerance and mutual respect, uphold moral and ethical principles and vigorously counteract the potential for xenophobia or racial or religious hatred at all levels of society in a vigorous manner.

D. Paragraph 9

The Committee urges the State party to consider a relaxation of the strict requirement of wilful conduct set out in article 161 of the Criminal Code in order to facilitate successful prosecutions under that article. The Committee also requests the State party to consider extending the application of article 161 of the Criminal Code to cases where the victim of discrimination is not a citizen. It urges the State party to ensure the effective implementation of all legal provisions aimed at eliminating racial discrimination, and to provide in its next report updated information concerning the application by the Ukrainian courts of criminal law provisions punishing acts of racial discrimination, in particular articles 66 and 161 of the Criminal Code. Such information should include the number and nature of cases brought, convictions obtained and sentences imposed, and any compensation or other remedies provided to victims of such acts.

474. On 5 November 2009, parliament adopted a law amending the provisions of the Criminal Code concerning liability for offences motivated by racial, ethnic or religious intolerance. Amendments were introduced to articles 115, 121, 122, 126, 127, 129, 161 and 300.

475. To improve current legislation, the National Security Service has submitted recommendations to the Ministry of Justice, to be taken up subsequently for consideration by parliament, on broadening criminal and administrative liability (taking into account international experience) for unlawful acts motivated by racial and ethnic intolerance, advocacy of neo-Nazism or fascism, or the establishment or participation in the activities of organizations with such tendencies.

476. The Ministry of Internal Affairs, the National Security Service and the Procurator's Office are working constantly to prevent, investigate and expose unlawful acts involving incitement to ethnic, racial or religious hatred or intolerance (Table 11).

Table 11

Number of offences against individual human rights and freedoms under the articles of the Criminal Code¹

<i>Articles of the Criminal Code</i>	<i>Article No.</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Violation of the equal rights of citizens based on race, ethnicity or attitude to religion	161	3	2	6	1
Damaging of sacred structures or houses of worship	178	1	2	1	0
Unlawful custody, desecration or destruction of religious shrines	179	1	5	3	0
Obstruction of a religious ceremony	180	4	3	2	1

477. The Ministry of Internal Affairs systematically monitors the circumstances surrounding ethnic offences and the activities of radical organizations and movements, and takes measures to prevent or detect offences against foreign nationals.

478. Procuratorial bodies with jurisdiction to investigate offences under article 161 of the Criminal Code mainly focus on preventing offences of this kind and helping the collaborating law enforcement bodies to expose unlawful acts against Jews and other ethnic groups on the basis of ethnic animosity.

479. The National Security Service continues to take measures within the scope of its authority and in keeping with the priority objectives outlined by the President for maintaining ethnic and interfaith harmony to prevent the escalation of xenophobic tendencies, which could lead to the destabilization of society.

480. The information cited below attests to the fact that the law enforcement agencies and procuratorial authorities in Ukraine are combating racial discrimination within the scope of their authority.

481. On the President's instruction, subdivisions for the detection and suppression of acts intended to incite racial or ethnic strife have been established within the Ministry of Internal Affairs and the National Security Service.

482. The subdivision officers have, in the short time that they have been operating, already managed to expose several high-profile unlawful acts.

¹ Data: Ministry of Internal Affairs.

483. To be specific:

- The organizer of the assault on worshippers near the Brodsky synagogue in Kyiv in 2002 was brought to justice under article 161 of the Criminal Code in 2007
- The persons involved in damaging graves at a Jewish cemetery in Zhytomyr in May 2006 were identified and subsequently convicted under article 297 of the Criminal Code (desecration of graves)
- The person who vandalized a Holocaust victims memorial in Sevastopol in March 2006 was identified and brought to criminal justice
- Three persons responsible for a series of acts of vandalism of a Holocaust victims memorial and graves at a Jewish cemetery in Odesa in February 2007 were brought to justice in September 2007 under article 297 of the Criminal Code on the basis of National Security Service information
- Findings of the National Security Service also led to I. Volin-Danilov, editor of *Nashe delo* (Our business) (published in Odesa province), being convicted and sentenced under article 161, paragraph 2, of the Criminal Code to 18 months' deprivation of liberty by the Odesa Province Prymorsk District Appellate Court in January 2009 for the publication in 2008 of an article entitled "Kill the best of the goys"
- Three residents of the Simferopol district of the Autonomous Republic of Crimea were detained as a result of a joint investigation by the militia and procuratorial authorities and sentenced on 9 February 2009 to 2 years' deprivation of liberty for vandalizing a Muslim cemetery in the settlement of Chistenke, Simferopol district, and involvement in the despoilment of other cemeteries

484. Joint investigations by the militia and procuratorial bodies in 2008–2009 resulted in the identification of 11 persons implicated in acts of vandalism and 8 criminal prosecutions being brought by investigators from the Ministry of Internal Affairs bodies (1 in Volyn province and 7 in the Autonomous Republic of Crimea) under article 297 of the Criminal Code; administrative charges were filed against 3 citizens (in Kyiv, Dnipropetrovsk and Zhytomyr).

485. A number of other offences were detected with the direct involvement of subdivisions of the National Security Service, as follows:

- A Ukrainian citizen who distributed anti-Semitic leaflets on behalf of the so-called Orthodox Community of Odesa was identified. The findings of the preliminary investigation in this case were referred to the procuratorial bodies in Odesa, which instituted criminal proceedings against this person under article 161 of the Criminal Code in 2008. The criminal case was closed following a protest from the Procurator's Office.
- The persons who attacked (Orthodox Jewish) Rabbi Dov-Ber Baitman, an Israeli citizen, in Dnipropetrovsk on 24 January 2008 were identified in cooperation with Ministry of Internal Affairs bodies in February 2008. The militia agencies instituted administrative proceedings in this case under article 173 of the Code of Administrative Offences (disorderly conduct) and imposed an administrative penalty in the form of a fine.
- The Ministry of Internal Affairs Office in Kirovohrad province documented the fact that xenophobic and racist leaflets were disseminated in downtown Kirovohrad by members of an extreme radical organization (14 persons involved in this act were identified). The relevant facts were transmitted to the procuratorial authorities in March 2008 (the procurator's office issued a decision not to bring criminal

proceedings). They were also alerted to the intention of members of this group to plant a bomb in a synagogue in Kirovohrad (the leaders were issued an official warning and the organization ceased to exist).

- The members of an informal youth group in Dnipropetrovsk who had attacked an Albanian national in August 2008 were identified. Criminal proceedings were initiated in the case under article 296, paragraph 2, of the Criminal Code (criminal mischief).
- Based on the findings of the Office of the National Security Service in Dnipropetrovsk province, in April 2009 officials of the Ministry of Internal Affairs bodies seized an illegal store of firearms intended for use against foreign nationals from a leader of an informal local skinhead group (the person incurred administrative liability under article 193 of the Code of Administrative Offences: “Violation by citizens of the rules for storing, carrying and shipping firearms or edged and pneumatic weapons”).
- A resident of Cherkasy active in the local skinhead movement who took part in distributing anti-Semitic leaflets in April 2009 was identified the same month. The case file was sent to the procuratorial authorities (which declined to initiate criminal proceedings) and the militia (which drew up a report under article 173 of the Code of Administrative Offences, “Disorderly conduct”, and imposed an administrative penalty in the form of a fine).
- The Kherson province Procurator’s Office initiated criminal proceedings on 17 August, under article 161, paragraph 1, of the Criminal Code, on the basis of facts obtained by the regional National Security Service bodies, against the management of the local newspaper *Vek* (Century) for publishing anti-Semitic articles.
- In October 2009, the National Security Service Office in Odesa province documented the dissemination over the Internet of articles of a xenophobic nature on an electronic newspaper site. The facts obtained during the investigation were sent to the Procurator’s Office in Odesa, which instituted criminal proceedings under article 161, paragraph 1, of the Criminal Code on the basis of this evidence on 23 November 2009.
- Ministry of Internal Affairs bodies initiated criminal proceedings under article 297 of the Criminal Code on 30 November 2009 in the case of damage to a Holocaust victims memorial, based on information provided by the National Security Service Office in Khmelnytsky province. Two people involved in this offence were identified on 2 December 2009.
- National Security Service officials documented the fact that the management of a cafe in Mykolayiv violated civil rights on the basis of ethnicity and race. The evidence obtained was transmitted to the Procurator’s Office in Mykolayiv (the management of the establishment incurred administrative liability).
- The National Security Service Office in Mykolayiv province identified and imposed an administrative penalty on a person involved in damaging a monument to a local Jewish religious figure.

486. Efforts are continuing in Ukraine to prevent the incitement of racial, ethnic or religious hatred and detect other unlawful actions that directly threaten the fundamental national security of the State.

E. Paragraph 10

The Committee recommends that the State party consider explicitly including organizations which promote and incite racial discrimination on the list of prohibited associations that are barred from legal registration under article 4 of the Citizens' Association Act.

487. Under the Constitution (art. 37), the founding and operation of political parties and voluntary organizations are prohibited if their programme goals or actions are aimed at eliminating the independence of Ukraine, changing the constitutional order by violent means, violating the sovereignty and territorial integrity of the State, undermining its security, unlawfully seizing State power, spreading propaganda for war and violence, inciting inter-ethnic, racial or religious enmity, or encroaching on human rights and freedoms and public health.

488. The legal and organizational basis for the realization of the right to freedom of association in a civic organization is covered by the Citizens' Associations Act.

489. Under article 4 of the Citizens' Associations Act, activities intended to incite ethnic and religious enmity constitute one of the grounds for refusing to authorize a civil association, and for prohibiting the activities of authorized citizens' associations through the courts.

490. The Ministry of Justice carries out expert legal examinations of documents submitted by citizens' associations for authorization. When those documents do not meet the requirements of the Constitution or the Citizens' Associations Act, the Ministry of Justice declines to authorize them.

491. In accordance with article 25 of the Citizens' Associations Act, the bodies responsible for authorizing citizens' associations monitor whether they observe the provisions of their charters. Representatives of monitoring bodies have the right to attend events organized by citizens' associations, request any necessary documents and seek clarification.

492. Article 32, paragraph 1 (1), of the Citizens' Association Act states that, on the recommendation of the authorizing body or a procurator, a citizens' association shall be forcibly dissolved (terminated) by court order, in particular for inciting ethnic and religious enmity.

493. The Ministry of Justice has drafted a bill on voluntary associations, which is currently before parliament for consideration (Register No. 3371 of 13 November 2008), to bring the regulations covering their activities into line with European standards.

494. Under the bill, the establishment or authorization of voluntary associations or the activities of authorized associations may be prohibited by the courts if their programme goals or actions are aimed, in particular, at inciting inter-ethnic, racial or religious enmity (art. 2, para. 1 (6)).

F. Paragraph 11

The Committee urges the State party to take immediate steps, e.g. by removing administrative obstacles, to issue all Roma with personal and other relevant identification documents in order to enhance their access to the courts, employment, housing, health care, social security and education.

495. Ensuring the rights of national minorities in Ukraine is an issue that senior officials of the Ministry of Internal Affairs continue to monitor. Officials of the Ministry of Internal

Affairs bodies and divisions are principally guided in their work by article 24 of the Constitution, which states that there shall be no privileges or restrictions based on race, colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics. This is why there is no section to indicate ethnicity in a Ukrainian passport. Nor do the internal affairs bodies keep any record of the number of passports issued to citizens according to ethnicity.

496. In the light of the importance of improving the observance of human rights in Ukraine, particularly the rights of members of the Roma ethnic minority (including the provision of passports and registration of place of residence), a monitoring exercise was conducted in 2006 involving meetings between representatives of the Roma community and citizenship, immigration and registration officials, district militia officers and civil registry clerks.

497. In total, some 9,500 Roma took part in 303 meetings from which it emerged that more than 52,000 ethnic Roma residing in Ukraine were registered and 1,053 were unregistered. It was also found that 1,081 persons (610 adults and 471 children) did not have any identification documents or birth certificates. The problems faced by Roma in resolving issues concerning documentation and registration of place of residence were explored. The Roma were provided with information on the procedures for obtaining or recovering birth certificates, Ukrainian passports and other identity cards.

498. Each party expressed its readiness to cooperate effectively to resolve existing problems involving the documenting of the Roma.

499. The territorial bodies and divisions of the Ministry of Internal Affairs are aware that extensive measures are required to accomplish their mission, including preventing discrimination against the Roma, in particular as regards providing them with passports.

G. Paragraph 12

The Committee urges the State party to further intensify its human rights training for the police and to facilitate the reporting of cases of police abuse of Roma and other persons of different ethnic origin, effectively investigate complaints and bring those found guilty of such acts to justice, provide adequate protection and compensation to victims, and include in its next report detailed information on the number and nature of cases brought, convictions obtained and sentences imposed, and the protection and remedies provided to victims of such acts.

In this regard, it refers the State party to paragraphs 12–14 of general recommendation No. 27 on discrimination against Roma and paragraphs 18–24 of general recommendation No. 30 (2004) on discrimination against non-citizens.

500. Pursuant to Instruction No. 29748 of 25 September 2009 of Deputy Minister of Internal Affairs, Mr. E.V. Marmazov, the Ministry and the British Council have conducted joint measures to prevent the use of ethnic profiling in the work of the law enforcement bodies of Ukraine, namely:

- Human Rights Monitoring Department officials have analysed the in-house regulatory framework of the Ministry of Internal Affairs covering the activities of the internal affairs bodies with respect to various ethnic groups, foreign nationals and stateless persons in Ukraine.
- A professional training programme for internal affairs officers on combating racism and xenophobia and preventing ethnic profiling by the militia has been developed on the basis of the joint analysis with British Council experts in Ukraine and the Internal Organization for Migration.

- The programme has been evaluated using several groups of trainees from the Academy of Administration of the Ministry of Internal Affairs and ministerial aides in the Regional Oversight Section of the Human Rights Monitoring Department. The programme was submitted for approval to the Academic Council of the Academy of Administration of the Ministry.
- The Department of Education and Science and the Personnel Department of the Ministry were advised to include the professional training programme on combating racism and xenophobia in the internal affairs officer training system and the curriculum of the educational institutes of the Ministry.

501. Three training sessions were conducted for officials at the Ministry of Internal Affairs, in collaboration with the International Organization for Migration, the British Council and the British Embassy, to prevent discrimination on the grounds of race, national or ethnic origin in the work of the internal affairs bodies, in accordance with the Plan of Action to Combat Xenophobia and Racial and Ethnic Discrimination in Ukrainian Society for the Period 2010–2012 and Cabinet of Ministers Order No. 1244-r of 17 September 2008 on approval of the comprehensive conceptual framework for ensuring security and law and order during the preparation and conduct of the final tournament of the Euro 2012 football championship in Ukraine. They included one session with ministerial aides from the Human Rights Monitoring Department on the activities of the internal affairs bodies and two sessions with the chiefs of service of the State Department for Citizenship, Immigration and Registration of Natural Persons, the Department of Criminal Investigation and the Department of Public Safety.

H. Paragraph 13

The Committee recommends that the State party consider amending its Refugee Law in order to clearly define standardized refugee determination criteria and to include the concept of temporary protection on humanitarian grounds, as well as safeguards on the withholding of personal data from country of origin authorities.

502. The Ministry of Justice is drafting a revised version of the bill on refugees, which should include provisions on subsidiary, temporary and humanitarian protection, for the purpose of resolving legislatively the problems relating to temporary protection of refugees on humanitarian grounds.

I. Paragraph 14

The Committee recommends that the State party adopt measures, including special measures, to ensure the adequate representation of Crimean Tatars in the public service of the Autonomous Republic of Crimea, including at senior levels.

503. Pursuant to article 38 of the Constitution, Ukrainian citizens may participate in the administration of State affairs and in national and local referendums and freely elect and be elected to central and local government bodies. Citizens enjoy equal right of access to public service in both central and local government bodies.

504. One way of improving the effectiveness of the Government's efforts to resolve the social, economic and cultural difficulties of the Crimean Tatars is to increase their involvement in decision-making on matters concerning them. The direct representation of former deportees at various levels of government is one of the most effective forms of such involvement.

505. The Council of Ministers of the Autonomous Republic of Crimea provides specialists of Crimean Tatar origin with assistance in education, further training and career development in executive and local government bodies. All issues relating to staff movements, including promotion to managerial posts, are decided solely in accordance with the State Service Act. The Council of Ministers of the Autonomous Republic of Crimea regularly reminds the heads of municipal council executive committees and district public administrations of the need for more active efforts to encourage specialists who are former deportees to apply for vacant posts.

506. 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.

507. The elections resulted in 1 Crimean Tatar being elected to parliament, 7 to the parliament of the Autonomous Republic of Crimea and 137 to municipal and village councils.

508. Crimean Tatars constitute more than 15 per cent of all deputies to councils at all levels in the Autonomous Republic of Crimea.

509. It should be noted that, of the 309 elected community and village presidents, 24 (7.7 per cent) are Crimean Tatars.

510. In the central government of the Autonomous Republic of Crimea, including the Council of Ministers, ministries and committees, 112 civil servants (8.5 per cent of the total) are from those groups formerly deported on ethnic grounds or their descendants.

511. There are 27 former deportees holding official posts at the categories I–III level in national executive bodies. They include 1 first deputy chairperson of the Council of Ministers, 1 minister and 3 chairpersons of national committees. The deputy chairperson of the State Committee on Ethnic and Religious Affairs is from the community of formerly deported Crimean Tatars.

512. There are 325 public servants working in the district State administrations and executive bodies of the local councils, accounting for 7.6 per cent of the total number of officials.

513. Eighteen former deportees are district public administration chairpersons, first deputy or deputy chairpersons in 14 district public administrations of the Autonomous Republic of Crimea; 2 of them are chairpersons.

J. Paragraph 15

The Committee urges the State party to provide effective remedies to enable formerly deported persons, in particular Crimean Tatars, to claim the restitution of their formerly confiscated property, or adequate compensation, and to ensure that formerly deported persons can obtain suitable plots of land, to the extent possible in areas which were traditionally inhabited by them. The State party should ensure that all formerly deported persons have access to adequate housing and that those living in settlements enjoy legal security of tenure and access to adequate infrastructure, including safe water, sewage systems, electricity, gas, heating, roads and transportation.

514. Creating a proper environment for the return, resettlement, social rehabilitation and integration of formerly deported Crimean Tatars, Bulgarians, Armenians, Greeks and Germans is a major government policy priority of crucial importance for the maintenance of the social and economic stability and national security of Ukraine.

515. According to the Ukraine's law enforcement bodies, 253,863 persons who had been deported are now living in the Republic of Crimea. They include 249,623 Crimean Tatars and 4,240 members of other ethnic groups: 980 Bulgarians, 740 Armenians, 1,800 Greeks and 720 Germans. Furthermore, 5,750 former deportees are living in Sevastopol and 5,500 in Kherson province.

516. Since Ukraine's independence, State programmes and decisions have been adopted and Presidential orders and instructions have been issued to resolve the complex social and economic problems of former deportees.

517. Since 1991, the State budget has included a separate line item to fund the resettlement of former deportees. The funds are mainly allocated to housing construction, utilities and social and cultural facilities and social and cultural events for the adaptation and integration of the repatriates into Ukrainian society.

518. More than 1,143,155,600 Hrv have been spent in the past 19 years on major construction work for the resettlement of repatriates, which has made it possible to construct 458,677.7 square metres of housing, lay 906.477 kilometres of water pipes, 1,193.065 kilometres of power lines, 110.44 kilometres of paved roads and 385.982 kilometres of gas pipelines, build or rebuild 7 schools for 2,043 children and carry out a range of social and cultural events costing 213,872,600 Hrv.

519. The Cabinet of Ministers adopted Decision No. 637 of 11 May 2006 approving a resettlement and rehabilitation programme for deported Crimean Tatars and persons from other ethnic backgrounds who have returned to take up residence in Ukraine and their adaptation and reintegration into Ukrainian society for the period up to 2010 to address outstanding issues involving their resettlement, rehabilitation, adaptation and reintegration.

520. The programme addresses the social, economic, cultural and educational problems relating to the return of deported Crimean Tatars and persons of other ethnic backgrounds to their historical homeland, and identifies priority tasks for government authorities with regard to their resettlement, rehabilitation, adaptation and reintegration into Ukrainian society.

521. Under the 2009 State Budget of Ukraine Act, 53,305,600 Hrv have been allocated to implement the measures set out in the programme of resettlement and rehabilitation of deported Crimean Tatars and persons of other ethnic backgrounds who have returned to take up residence in Ukraine and their adaptation and reintegration into Ukrainian society for the period up to 2010, including 50 million Hrv for major construction work and 3,305,600 Hrv for social and cultural activities.

522. State funding stood at 53,305,600 Hrv on 1 January 2010 (100 per cent of the annual budget set aside) for the implementation of the programme measures. Funds amounting to 50 million Hrv were earmarked for the construction of housing and installation of public utilities.

523. Steps were also taken to meet the social needs of deported Crimean Tatars and persons of other ethnic backgrounds. For this purpose, public funds were spent on:

- Payment of compensation for the removal and transportation of luggage amounting to 661,100 Hrv (paid out to 285 persons)
- Financial assistance in the form of a single payment for the completion of individual housing units for deported persons and their family members returning to Ukraine, to a total of 1,744,100 Hrv (paid out to 192 persons)
- Assistance in supplying textbooks to schools that have Crimean Tatar as their language of instruction, to a total of 60,000 Hrv

- Events commemorating the sixty-fifth anniversary of the deportation of Crimean Tatars, Bulgarians, Armenians, Greeks and Germans from Crimea, amounting to 120,000 Hrv

524. The Government has recently focused on promoting the development of ethnic education and teaching children their mother tongue as an important aspect of the social and cultural rehabilitation of repatriates.

525. In the 2009/10 academic year, there were 15 general schools with instruction in Crimean Tatar catering for 2,919 students, and 26 groups in preschool establishments with instruction and childcare in Crimean Tatar to meet the educational needs of Crimean Tatars in the Autonomous Republic of Crimea.

526. There are also 236 classes in Crimean Tatar offered to 2,725 students in 26 general schools with instruction in Russian and Crimean Tatar, 1 with instruction in Ukrainian and Crimean Tatar and 38 with instruction in Ukrainian, Russian and Crimean Tatar. Altogether, 5,644 students are taught in Crimean Tatar.

527. Crimean Tatar is studied as part of the core curriculum by 17,725 students and as an optional course by 5,781.

528. In the 2009/10 academic year, 628 pupils in grade 1 (502 in the 2008/09 school year) attended classes with Crimean Tatar instruction started at 42 schools with Crimean Tatar and Russian, the second and third languages of instruction in the Autonomous Republic of Crimea.

K. Paragraph 16

The Committee encourages the State party to further promote the publication of textbooks for schoolchildren in minority languages, including the languages of Roma and Crimean Tatars, and to ensure that all ethnically discriminatory content is eliminated from existing textbooks.

529. Information on this question is provided in paragraphs 325–352 of the report.

L. Paragraph 17

The Committee recommends that the State party support and increase the number of social centres assisting refugees and asylum-seekers to find employment and housing, and that it ensure that centres for refugees and persons detained under the aliens legislation provide the necessary facilities, in conformity with the standards set out in general recommendation No. 30 (2004) on discrimination against non-citizens.

530. One way of solving the problems of refugees is for non-governmental organizations to establish special funds and centres that hold courses for refugees and members of their families.

531. The State Committee on Ethnic and Religious Affairs is a beneficiary of the project for the legal and social protection of children seeking asylum and refugee children, which is being carried out within the framework of programmes of cooperation with third countries.

532. There is one temporary accommodation unit for refugees in operation in Odesa and two accommodation centres in Mukacheve and Perechyn (Zakarpattia). Every asylum-seeker living at the centres is fully provided with all the necessary bedding and personal toiletries and has unrestricted access to the medical services provided at the centres.

M. Paragraph 18

The Committee recommends that the State party take special measures for the protection and preservation of the cultural heritage of minorities such as the Crimean Tatars, the Karaites and the Roma.

533. The Protection of Cultural Heritage Act governs legal, organizational, social and economic relations such that articles of cultural heritage are preserved and turned to account in public life and the traditional character of an environment is safeguarded for present and future generations.

534. Special funding for the protection of cultural heritage may be provided, particularly to help ethnic minorities to protect their cultural heritage, in accordance with article 41, paragraph 1 (8), of this Act.

535. Act No. 1692 of 20 April confirmed the national programme for the preservation and utilization of cultural heritage objects for 2004–2010.

536. Its implementation should stimulate positive changes in the area of protecting cultural heritage, in accordance with part 5 of the programme, entitled “expected results”. This mainly entails improving public understanding of the need to preserve cultural heritage for present and future generations as an important factor in a citizen’s patriotic education, developing national awareness about the Ukrainian people, and supporting ethnic minorities’ affirmation of their individual cultural identity in Ukraine.

537. The Ministry of Culture and Tourism is the principal central executive body responsible for carrying out State policy in the field of culture, exercising its authority in protecting cultural heritage, in accordance with Regulation No. 1566 approving the Order of the Cabinet of Ministers of 8 November 2006.

538. Ukraine regards the preservation and development of Crimean Tatar and Roma culture as an important component of nationwide cultural development.

539. There are continuing efforts to protect and preserve the cultural heritage of minorities such as the Crimean Tatars, the Karaites and the Roma in Ukraine.

540. The State Committee on Ethnic and Religious Affairs fiscal programme has over the past three years allocated 128,300 and 145,050 Hrv respectively, to support events carried out by Crimean Tatar and Karaite voluntary associations.

541. A comprehensive plan of action to develop ethnic traditions and cultures and improve inter-ethnic relations in the Autonomous Republic of Crimea for 2008–2010, approved by Order No. 19 of 22 January 2008 of the Council of Ministers of the Autonomous Republic, provides for measures to promote inter-ethnic harmony and raise the level of tolerance in Crimean society. Public funds are set aside every year for these purposes. The budget of the Autonomous Republic of Crimea earmarked 927,000 Hrv for these needs, of which 611,646 Hrv have actually been provided.

542. The following events to preserve the cultural heritage of minorities like the Crimean Tatars and the Karaites were held with public funding in 2009:

- World Congress of Crimean Tatars
- Crimean Hidirellez Festival
- Crimean Karaite culture days
- Krymchak culture days

543. There is a special focus on preserving the cultural heritage of the Crimean Karaites and the Krymchaks. According to the 2001 nationwide census, there were 671 Karaites and 204 Krymchaks, with an average age of about 60, living in Crimea.

544. Karaites have formed the Krymkarailar Association and the Crimean Autonomous Republic Federation of Karaites; Krymchaks have formed the Krimchakhtar Cultural Awareness Society. Both ethnic groups endeavour to preserve their culture, customs, rites and religious specificities through these associations.

545. The Autonomous Republic of Crimea Committee for Inter-ethnic Relations and Deportee Affairs works to support and preserve their cultural heritage and provides them with financial, legal, educational and advisory assistance.

546. In the Autonomous Republic of Crimea, the Association of Crimean Karaites, the Federation of Karaites and the Cultural Awareness Society of Krymchaks held 14 events under the parliament's Order No. 1013-5/08 of 23 October 2008 on measures to preserve the historical and cultural heritage of the Crimean Karaites and Krymchaks for 2009, including:

- Crimean Karaite and Krymchak culture days
- Publication of literature on the cultural heritage of Crimean Karaites and Krymchaks
- Provision of exhibition equipment (stands, glass cases and shelves) for the Krymchak ethnic cultural centre in Simferopol
- Mounting of memorial signs in places relating to the history of the Krymchaks
- Commemorations of Hakham Shapshal, the spiritual and secular leader of the Crimean Karaites
- Holding of the thirteenth international youth labour camp in Chufut Kale
- Purchase of ethnic costumes and theatrical footwear
- Production of a documentary on the Efetov dynasty of physicians
- Holding of workshops on the Balta Tiymez project
- Celebration of the centenary of the birth of Yakov Chapichev, Hero of the Soviet Union
- Production of a documentary entitled "Historical and Ethnographic Museum of the Krymchaks in Simferopol"

547. The opening of the Crimean Engineering and Teacher Training University, the establishment of the Gasprinsky Crimean Tatar Library and completion of the reconstruction of the Crimean Tatar Musical and Dramatic Theatre were important events in the social life of Crimea. A Crimean Tatar language academic research centre has been established at the Crimean Engineering and Teacher Training University.

548. Exhibitions on the history and culture of Ukraine's ethnic minorities have been put on in museums in the relevant parts of the country: the Crimean Autonomous Republic Local History Museum, Simferopol Museum of Art, and city and district local history museums elsewhere. An exhibition entitled "Cultural Mosaic of the Peoples of the Crimea" was produced at the Crimean Ethnographic Museum. There is also a museum of Crimean Tatar history and culture in Simferopol and the Autonomous Republic of Crimea museum of Crimean Tatar art.

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

550. The State protects dozens of sites of significance to Crimean Tatars. Restoration work has recently been completed on the Juma-Jami mosque in Evpatoriya, the Mufti-Jami mosque in Feodosiya, the Kebir Jami mosque in Simferopol, the Khan's palace, the Zincirli madrasah and the Gazi-Mansur cemetery in Bakhchysaray, the memorial complex where Ismail Gasprinsky is buried and the house in which he lived and worked, and other historical and cultural sites.

551. A State historical and cultural site has been established in Bakhchysaray to protect and preserve the cultural heritage of the Crimean Tatars.

552. Meeting the ethnic cultural and educational needs of the Roma minority is an issue of constant concern for the central and local government authorities.

553. On 22 May 2007 the Cabinet of Ministers approved comprehensive measures to implement State policy in the area of inter-ethnic relations and the development of ethnic minority cultures up to 2010 for the purpose of developing and studying the cultural diversity, traditions, customs and ceremonies of Ukraine's ethnic minorities. The measures provided for a number of events aimed at the cultural renaissance of the Roma of Ukraine to be held between 2007 and 2010.

554. Over the past three years the State Committee on Ethnic and Religious Affairs has provided financial support to a total of 311,650 Hrv to Roma voluntary associations that have organized various cultural and educational events, including the tenth international Gypsy jazz festival, entitled "Pop Jazz Fest 2008" in Uzhhorod, the publication of the "Roma of Zakarpattia" collection, a festival of Roma song and dance, the fifth "Village Horseshoe" nationwide Ukrainian festival of art of Roma children and youth, events surrounding the International Day of the Roma, the celebration of the fifteenth anniversary of the establishment of the Romans theatre, a regional forum entitled "The Roma movement and local government", a seminar entitled "Contemporary problems of the Roma of Ukraine: a cultural view" and the preparation and publication of material for an international workshop on "The Roma of Ukraine: from the past to the future".

555. Organizational guidance and financial assistance were provided to the Congress of the Roma of Ukraine for artistic and cultural events in 2008 as a result of cooperation between the Ministry of Culture and Tourism and the ethnic cultural associations, under the budget programme KPKVK 1801260, entitled "measures to renew the culture of ethnic minorities". A nationwide Roma studies workshop entitled "The Roma of Ukraine: from the past to the future" and the ninth international Roma festival, "Amala-2008", were also held.

556. Yearly public hearings entitled "The Roma of Zakarpattia: status, experience and resolution of problems" are held in Uzhhorod in Zakarpattia province, a region densely populated by the Roma ethnic minority.

557. Access is guaranteed for members of ethnic minorities to documents from the National Archives for the study of their history, language and religion, in accordance with the law on information and archival matters. In recent years, documents on the history of the Roma and Crimean Tatars living in Ukraine at various times have been brought to light in the State archives.

N. Paragraph 19

The Committee recommends that the State party increase its efforts in the fields of teaching, education, culture and information to combat prejudices, including among civil servants, against ethnic minorities such as the Roma, to promote tolerance and

respect for their cultures and history, and to foster intercultural dialogue among the different ethnic groups of Ukraine.

558. Information on this question is provided in paragraphs 256–263 and 307–311 of the report.

O. Paragraph 20

The Committee recommends that the State party consider recognizing Ruthenians as a national minority.

559. **Historical background.** Zakarpattia witnessed an ethnic and cultural revival in the 1920s and 1930s as a result of the Rusyn (Ruthenian) movement and the idea of a Rusyn ethnic group itself.

Some Western historians of the social and political processes in Eastern Europe have treated “Rusyns” and, indeed, Ukrainians as one of the peoples of the Habsburg Monarchy.

The Council of Rusyns (People’s Assembly), comprising 400 deputies from Zakarpattia, was proclaimed a territorial association within the Ukrainian People’s Republic in 1919.

The following declaration was adopted at the first congress of the Narodovetsky youth of Podkarpattian Rus in Uzhhorod on 7 July 1929: “We declare to the entire civilized world that we, Podkarpattian Rusyns, are a part of the great Ukrainian people and that our language and literature was, is and will be the same as that of our brothers on the other side of the Carpathians. We declare that we shall challenge any attempts to fabricate any kind of separate tribe from among us and thus divide us from our motherland and call for the title ‘Rusyn-Ukrainian’ to be used always and everywhere.”

In 1937, some 20 political parties and associations and editorial boards of newspapers and magazines supported a Manifesto to the Ukrainian people of Podkarpattia with the demand that children be taught Ukrainian. Under its law of 15 March 1939, the first Seim (parliament) of Carpathian Ukraine proclaimed: “Ukrainian is the official State language of Carpathian Ukraine.”

In 1938, Prague officially granted autonomous status within Czechoslovakia to “Rusyn” province, which became Carpathian Ukraine.

Zakarpattia was incorporated in the Ukrainian Soviet Socialist Republic in 1945.

560. In terms of present-day reality, it must be borne in mind that the people of Ukraine today have retained their intrinsic diversity. Specialists have identified other ethnographic groups aside from the main Kiev-Cherkassy (Dnipro) group: Lemko, Boyko, Hutsul, Rusyn, Volynian, Halychynian, Bukovynian, Podolian, Sloboda, Kuban, Tauri (Steppe), Polishchuk and Pinchuk.

561. According to the 2001 nationwide census, 32,400 persons identified themselves as belonging to ethnographic groups of the Ukrainian people. The largest ethnographic groups (ethnic subdivisions) include the Hutsul (21,400 persons), predominantly residing in Ivano-Frankivsk province and Rusyns (10,200) in Zakarpattia province. Moreover, Rusyns make up 1.01 per cent of the total number of Ukrainians in Zakarpattia (1,010,100 persons).

562. In this context, it should be noted that Ukraine does not have an “official registry of ethnic groups” or a “code of ethnicities” that could be determined at the regulatory level. Article 11 of the Ethnic Minorities of Ukraine Act specifies that: “Ukrainian citizens have the right to choose freely and restore their ethnicity. Forcing citizens in any way to renounce their ethnicity is prohibited.” Every Ukrainian citizen is thus free to determine his

or her ethnic identity. Ethnic identity means a person's awareness of his or her belonging to an ethnic community based on a shared language, history, culture, way of life, traditions, customs and livelihoods.

563. **Background.** The parliament of Ukraine considered a draft decision in 2005 on recognition of the Rusyns as an ethnic group and included them in the list of ethnic groups living in Ukraine. The bill was introduced by I. Haidosh, chairman of the Democratic Party of Hungarians of Ukraine.

The parliament of Ukraine voted down the bill, arguing in particular in its decision that "there is no documentation today in Ukraine that could confirm a citizen's ethnic background" and therefore the "recognition of ethnicity is not within the purview of the State but is rather a personal matter for every individual to decide".

564. Ukraine has never denied the existence of an ethnographic group identifying itself as Rusyn in Zakarpattia. Moreover, in terms of ethnogeny and national identity, most Ukrainians consider the terms "Rusyn" and "Ukrainian" to be synonymous. The prevailing view among Ukrainian historians, ethnologists and linguists is that the indigenous Eastern Slavic population — the Rusyns — is a subdivision of the Ukrainian ethnic group. Rusyns are ethnic Ukrainians residing in the western territories of Ukraine (Halychyna, Bukovyna and Zakarpattia).

565. There is every reason to believe, based on the historical, ethnological and linguistic scholarly findings of specialists (such as the conclusions of the Kuras Institute of Political and Ethnic Research of the Ukrainian Academy of Sciences), that Rusyns are a part of the Ukrainian ethnic group, with some differences in culture, language and way of life, and do not constitute an ethnic minority. Therefore, there are no historical, political or other grounds to believe that Rusyns are an ethnic group separate from Ukrainians.

566. The State values and makes every effort to promote the development of the cultural identity of the autochthonous Ukrainian population of Zakarpattia and supports Rusyns' extant age-old tradition of referring to themselves as "Rusyn" and "Rusky", which has helped the local population to preserve the memory of ancient Rus-Ukraine and assert its ethnic identity.

567. There are nine Rusyn organizations with provincial status in operation today in Zakarpattia province. There are 27 Sunday schools run by Rusyn voluntary associations with about 600 students according to the associations. The newspapers *Podkarpatskaya Rus* and *Podkarpatskiy rusin* and the digest *Rusnatskiy mir* are published in Zakarpattia province.

568. In modern-day Ukraine, the Rusyn movement in Zakarpattia became more active in the early 1990s after Ukraine gained independence. It was during this time that the ethnic and cultural revival of ethnic groups living in Ukraine quickly gained momentum. International academic conferences in Canada, Hungary, Slovakia and the Russian Federation on the ethnic and cultural revival and self-identification of Rusyns have given further impetus to the Rusyn movement.

569. Despite the fact that the overwhelming majority of Ukrainian and foreign scholars consider that Rusyns are ethnic Ukrainians with their own dialect and a unique cultural region, leaders of part of the Rusyn voluntary associations insistently spread the idea of the Zakarpattians' non-Ukrainian identity and identify themselves only as Rusyns. These Rusyn organizations have focused their efforts on political rather than ethnic and cultural activities. The movement that they launched in early 1990 has been dubbed the "political Rusyn community", whose main objective is to impose on the autochthonous Ukrainian population of Zakarpattia a false vision of a singular identity separate from Ukrainians and

use this singularity to justify Zakarpattia having autonomous status within the Ukrainian State.

570. Most Rusyn voluntary associations have rejected the goal of autonomy and separatism of certain Rusyn associations and acknowledge that they are ethnic Ukrainians.

571. The “Rusyn question” became more acute in March 2007 when the sixth Zakarpattia provincial council adopted Decision No. 241 of 7 March 2007 on recognition of “Rusyn” as an ethnic group. Paragraph 1 of the Decision states: “The ‘Rusyn’ ethnic group in Zakarpattia province shall be recognized and included in the list of ethnic groups of Zakarpattia province.”

572. Having recognized Rusyns as a separate ethnic group, the Zakarpattia provincial council applied to the parliament of Ukraine for recognition of the decision at the national level. However, parliament turned down the application, because the decision was adopted in violation of existing law and was politically inconsistent.

573. Under article 19, paragraph 2, of the Constitution, local government bodies and officials are required to act only in accordance with and within the scope of their authority, as set out in the Constitution and domestic law. Their activities must also be guided by acts of the President and the Cabinet of Ministers (article 24, paragraph 3, of the Local Government Act). Domestic law does not give local government bodies the right to take decisions on the affiliation or non-affiliation of individual categories of persons with any ethnic group or national minority.

574. The first European Congress of Podkarpattian Rusyns was held on 7 June 2008. Its participants adopted a so-called memorandum containing an urgent call to the Governments, Presidents and parliaments of the European Union and the Russian Federation to extend guarantees of Zakarpattia’s legal status as Podkarpattian Rus.

575. The Congress submitted an application for official recognition of the “special confederative status of Zakarpattia within the host country, with ‘Podkarpattian Rus’ as its constitutional name since 1945, as a special self-governing territory and a constituent entity of Ukraine”. It was stressed that “it is the refusal to introduce into the Constitution of Ukraine the status of Zakarpattia as a territory of Rusyns south of the Carpathian Mountains that compelled them to resolve the issue on their own without Ukraine and begin the process of organizing Rusyn local government bodies in Podkarpattian Rus”.

576. The documents adopted at the first inaugural session of the European Congress of Podkarpattian Rusyns, particularly the joint declaration, the charter of the Congress, the decision of the Soima (parliament) of the Podkarpattian Rusyns of 21 June 2008 on the Constitution of Podkarpattian Rus and others, are evidence of their declarative, politicized and unlawful nature.

577. For example, part II of the charter, entitled “Purposes and principles of the European Congress of Podkarpattian Rusyns”, states that one of the purposes is the “restoration of the status of Podkarpattian Rus, Zakarpattia, as subject to international law within Ukraine”. However, such a status is not covered by either the rules of international law or the law of Ukraine. Moreover, domestic law does not allow for the recognition of Rusyns as a separate ethnic group, as regulatory acts do not determine by whom and by what means ethnicity in general may be recognized.

578. The soym of Podkarpattian Rusyns and the People’s Council of Rusyns of Zakarpattia union of voluntary associations launched a similar anti-Ukrainian event, the second European Congress of Carpathian Rusyns, on 25 October 2008 in Mukacheve. The work of the Congress resulted in the adoption of a memorandum of the second Congress and a declaration of Rusyn statehood.

579. The contents of these documents and appeals voiced at the meeting compelled the National Security Service to institute criminal proceedings against the organizers of the event on the grounds of acts of separatism, attempts to violate the sovereignty and territorial integrity of the State, breach of its security and incitement to inter-ethnic enmity in Zakarpattia.

580. Specialists from the central executive authorities and leading scholars from the Kuras Institute of Political and Ethnic Research of the National Academy of Sciences have repeatedly set out the position of the Government of Ukraine concerning the unlawful essence and character of the activities of certain leaders of the Rusyn political class and provided scholarly responses and explanations concerning a range of issues raised by the leaders of voluntary associations of Rusyn culture of Zakarpattia.

581. The new political demands of a number of public movements threaten the stability of the social and political situation and do not fit with the priorities of the State concerning the development of a Ukrainian political nation, national unity and the consolidation of Ukrainian society.

582. The Ukrainian State promotes the cultural activities of the voluntary associations of national minorities and ethnographic groups, including the Rusyns, in respect of their ethnic and cultural development, and not the political activities that they conduct.

IV. Annexes

Annex 1

Plan of Action to Combat Xenophobia and Racial and Ethnic Discrimination in Ukrainian Society for the Period 2010–2012²

1. Review legislation and regulations concerning xenophobia. Make proposals for improving national legislation on combating xenophobia and racial and ethnic discrimination.
2. Draw up a compilation of laws and regulations on combating xenophobia and racial and ethnic discrimination. Publish it on the official website of the State Committee on Ethnic and Religious Affairs.
3. Initiate parliamentary hearings on combating xenophobia and racial and ethnic discrimination in Ukrainian society.
4. Work systematically to improve the recommendations on educational activities to prevent xenophobia and racism among children, school pupils and students.
5. Study the content and causes of xenophobia in Ukrainian society, its scale and the level of radicalization in society, particularly among teenagers and young people.
6. Implement comprehensive preventive measures to detect and prevent crime based on ethnic, racial or religious enmity or hatred, demeaning ethnic honour or dignity, or causing an offence to citizens in connection with their religious beliefs; carry out preventive work with individuals predisposed to commit such crimes against citizens of Ukraine, foreign nationals or stateless persons.
7. Strengthen efforts to prevent, investigate and detect illegal actions related to inciting ethnic, racial or religious enmity or hatred, demeaning ethnic honour and dignity or causing offence to citizens in connection with their religious beliefs.
8. Collect and analyse information on different forms of xenophobia and racial or ethnic discrimination in order to track trends and develop a State strategy to combat their spread in Ukrainian society.
9. Hold consultations with church and religious leaders on the need to work with believers to foster a tolerant world outlook.
10. Carry out preventive work with members of radical youth organizations and groups whose activities are aimed at spreading xenophobia and racial and ethnic discrimination; implement comprehensive measures to combat attempts to promote such movements.
11. Carry out awareness-raising and preventive work to combat xenophobia and racial and ethnic discrimination among children, school pupils and students and their parents.
12. Carry out awareness-raising and preventive work to combat xenophobia and racial and ethnic discrimination among sports fans, young people and members of youth sports organizations, and offer appropriate advice to their leaders and trainers, bearing in mind that the Euro 2012 football championship is to take place in Ukraine.

² The Plan entered into force with Cabinet of Ministers Instruction No. 11273/110/1-08 of 24 February 2010.

13. Hold book fairs, meetings, lectures and other events to encourage tolerance and respect for the culture, history, language, customs and traditions of different ethnic groups.
14. Carry out awareness-raising and preventive work among citizens, foreign nationals and stateless persons during job recruitment and health service provision.
15. Organize public hearings, round-table meetings, academic conferences and other events on preventing xenophobia and racial and ethnic intolerance, bringing in leading national and foreign experts, politicians, members of government and representatives of civil society.
16. Organize round-table meetings and discussions on cases of xenophobia to publicize the phenomenon and to promote an appropriate attitude in society.
17. Consider introducing expert appraisals of decisions taken by the authorities and legislative initiatives concerning xenophobia and racial and ethnic discrimination.
18. Hold international forums on combating xenophobia, racism and other forms of discrimination.
19. Include the topics of inter-ethnic relations, the history and culture of ethnic minorities, and the promotion of a tolerant world outlook in training courses for public employees and local government officials, and teaching and research staff in the education system.
20. Organize training seminars for staff of the ethnic and religious affairs sections of the Council of Ministers of the Autonomous Republic of Crimea, the provincial administrations and the Kyiv and Sevastopol municipal administrations, to study international experience and positive experience from the regions, and to exchange information on the ways, forms and methods of preventive work to combat xenophobia and ethnic and racial intolerance.
21. Hold round-table discussions and meetings with representatives of ethnic minority voluntary associations on combating xenophobia and racial and ethnic intolerance, to encourage cooperation with the authorities.
22. Organize and hold meetings with international NGOs and voluntary associations to encourage greater collaboration with the authorities in combating xenophobia and racial and ethnic intolerance.
23. Build up bilateral collaboration with international organizations, other countries and the law enforcement agencies of other States to study their experience of, and exchange information on, implementing progressive administrative decisions and legislative initiatives to combat xenophobia and racial and ethnic discrimination.
24. Continue collaborating with the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights in the context of the training programme for staff of the law enforcement agencies, the procuratorial services and the courts on the characteristics of cases related to xenophobia and racial and ethnic discrimination.
25. Produce and disseminate social advertising aimed at increasing tolerance and preventing xenophobia and racial and ethnic discrimination in the country, and monitor its effectiveness.
26. Site social advertising to combat xenophobia and racial and ethnic discrimination in society outdoors (on billboards and light boxes).
27. Improve the system for monitoring the activities of the printed and electronic media and all types of television and radio companies to prevent the dissemination of information and the broadcasting of television and radio programmes that contain elements likely to

incite ethnic, racial or religious enmity or hatred, demean ethnic honour and dignity or cause offence to citizens in connection with their religious beliefs.

28. Strengthen controls to prevent the dissemination of literature containing elements likely to incite ethnic, racial or religious enmity or hatred, demean ethnic honour or dignity or cause offence to citizens in connection with their religious beliefs.

29. Provide information in the media on events to combat xenophobia and racial and ethnic discrimination in Ukrainian society.

30. Reward the best journalists, publications and television and radio programmes that help to foster a tolerant world outlook.

31. Study and draw general conclusions from the experience of other States in combating xenophobia and racial and ethnic discrimination.

32. Award State contracts for the production and distribution of thematic television and radio programmes to combat xenophobia and racial and ethnic discrimination in Ukrainian society.

33. Where State contracts are awarded, State television and radio companies (and other television and radio companies, on agreement) should plan special television and radio programmes on combating xenophobia and racial and ethnic discrimination.

34. Assist in the social adaptation and integration of immigrant groups into Ukrainian society.

35. On a departmental level, record separate statistics on communications from the public concerning xenophobia as described in category 220 (inter-ethnic relations) of the citizens' communications classification system approved by Cabinet of Ministers Decision No. 858 of 24 September 2008.

36. With the relevant government agencies, develop and adopt an annual plan of action to combat xenophobia.

37. Implement measures to promote a positive image of Ukraine in combating xenophobia at international level.

38. Hold regular meetings of the interdepartmental working group on combating xenophobia, ethnic and racial intolerance, and publicize its work in the media.

Annex 2

Approved

Ministry of Internal Affairs Order
No. 94 of 18 February 2010

Ministry of Internal Affairs Plan of Action to Combat Racism and Xenophobia up to 2012

<i>No. para.</i>	<i>Content</i>	<i>Executing agency</i>	<i>Timeline</i>	<i>Comments</i>
1.	Organizational measures			
1.1	Taking account of the specific characteristics of offences motivated by racial or religious intolerance and the relevant changes that have been made to the Criminal Code, prepare and submit to the Ministry leadership proposals for the creation of specific sections (divisions, groups) within the criminal police units of the Ministry of Internal Affairs central structure and the structures of its central departments and departments in the Autonomous Republic of Crimea, the provinces, and the towns of Kyiv and Sevastopol, and on the railways, to combat offences based on racial, ethnic or religious grounds.	Human Rights Monitoring Department, Criminal Investigation Department, Central Department to Combat Organized Crime, Department to Combat Offences Related to Trafficking in Persons, Juvenile Criminal Militia Department, Human Resources Department	1 June 2010	
1.2	Correct the plans of the departments and services of the Ministry of Internal Affairs in line with this Plan. Within the Ministry and its central departments and departments in the regions, regularly review work to combat racism and xenophobia; include the question of the Plan's implementation status in the annual reports of the Ministry's services and units.	General Staff, Human Rights Monitoring Department, units of the Ministry's central apparatus, its central departments and departments in the regions	At a board meeting in December 2012, at annual routine managerial meetings	
1.3	Initiate parliamentary and public hearings, round-table meetings and academic conferences on combating xenophobia and racial and ethnic discrimination in Ukrainian society.	Department of Education and Science, Ministry of Internal Affairs institutes of further education, Human Rights Monitoring Department, Criminal Investigation Department, Ministry's central departments and departments in the regions	Continuously	
1.4	Periodically analyse the Ministry of Internal Affairs departmental regulations to detect and remove provisions that could lead to cases of racism and xenophobia in law enforcement activities, or to discrimination against representatives of ethnic or religious minorities, foreign nationals, refugees and stateless persons.	Units of the Ministry of Internal Affairs central apparatus, Human Rights Monitoring Department, Ministry's central departments and departments in the regions	Continuously	

<i>No. para.</i>	<i>Content</i>	<i>Executing agency</i>	<i>Timeline</i>	<i>Comments</i>
1.5	Monitor the activities of the printed and electronic media and all types of television and radio companies for the dissemination of information, the publication of literature and the broadcasting of television and radio programmes that contain elements likely to incite ethnic, racial or religious enmity or hatred, demean ethnic honour or dignity or cause offence to citizens in connection with their religious beliefs.	Department of Public Relations and International Affairs, Criminal Investigation Department, Ministry's central departments and departments in the regions	During 2010	
1.6	Participate in the interdepartmental working group to combat xenophobia and ethnic and racial intolerance under the State Committee on Ethnic and Religious Affairs.	Human Rights Monitoring Department, Criminal Investigation Department	Quarterly	
1.7	Monitor the work of the internal affairs agencies to ensure that the rights of foreign nationals and representatives of ethnic and religious minorities are respected.	State Department for Citizenship, Immigration and Registration of Individuals, Human Rights Monitoring Department, Ministry's central departments and departments in the regions	Continuously	
1.8	Systematically analyse and summarize the most typical conflict situations encountered by foreign nationals and representatives of ethnic and religious minorities. Submit the results to Ministry of Internal Affairs management for their inclusion in future work.	State Department for Citizenship, Immigration and Registration of Individuals, Criminal Investigation Department, Human Rights Monitoring Department, Department of Public Safety, Ministry's central departments and departments in the regions	Every six months	
1.9	Take part in World Anti-Racism Week.	Human Rights Monitoring Department, Ministry's central departments and departments in the regions	Annually	
1.10	Ensure precise, high-quality, dedicated statistical reports on offences based on racial, ethnic or religious intolerance (in line with general instructions from the General Procurator's Office and the Ministry of Internal Affairs of 6 February 2009).	Criminal Investigation Department, General Staff, Information Technology Department, Ministry's central departments and departments in the regions	Continuously	
1.11	On a departmental level, record separate statistics on individual communications and complaints concerning xenophobia and racism, including in respect of staff of the internal affairs agencies.	Information Technology Department, Human Resources Department, Internal Security Services	During 2010	

<i>No. para.</i>	<i>Content</i>	<i>Executing agency</i>	<i>Timeline</i>	<i>Comments</i>
1.12	Ensure annual disclosure of the results of Ministry of Internal Affairs activities to combat racism and xenophobia, including figures for: the number of cases of crimes investigated under article 115, paragraph 2, and articles 121, 122, 126, 127, 129 and 300 of the Criminal Code; the number of individual communications and complaints concerning xenophobia and racism, including under article 97 of the Code of Criminal Procedure; the number of complaints against staff of the internal affairs agencies concerning xenophobia and racism, and the outcome of their investigation.	Human Rights Monitoring Department, Department of Public Relations and International Affairs, Central Investigative Authority, Criminal Investigation Department, Human Resources Department, Internal Security Services, Information Technology Department, Ministry's central departments and departments in the regions	By 1 February each year	
2.	Operating procedures and regulatory framework			
2.1	Participate in training seminars for staff of the ethnic and religious affairs sections of the Council of Ministers of the Autonomous Republic of Crimea, the provincial administrations and the Kyiv and Sevastopol municipal administrations, to study international experience and positive experience from the regions, and to exchange information on the ways, forms and methods of preventive work to combat xenophobia and ethnic and racial intolerance.	Ministry's central departments and departments in the regions, with the State Committee on Ethnic and Religious Affairs, Ministry of Education and Science, Ministry for Family, Youth and Sport	Continuously	
2.2	Include topics related to combating racism and xenophobia in the list of priorities of the internal affairs agencies.	Department of Education and Science, the Ministry's State Research Institute	1 March 2010	
2.3	Study the content and causes of xenophobia in Ukrainian society, its scale and the level of radicalization in society, and the prevention and detection of crimes based on ethnic and religious enmity.	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute, with international and non-governmental organizations	December 2011	
2.4	Organize conferences and workshops for trainees, students and young scientists on the prevention of racism and xenophobia.	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute	Annually	
2.5	Organize thematic exhibitions of literature to support and promote management models for combating offences based on enmity, and issues related to the effective investigation of cases of racism and xenophobia.	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute	Annually	

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2.6	Ensure that staff of the internal affairs agencies study the prevention of discrimination based on racial origin or religious affiliation, including the provisions of the 1996 Rotterdam Charter, and sit the relevant tests, in the context of the system of in-service training to combat racism and xenophobia.	Human Resources Department, units of the Ministry of Internal Affairs central apparatus, the Ministry's central departments and departments in the regions, institutes of further education	By 1 July 2010, then continuously	
2.7	Develop and transmit to units of the Ministry of Internal Affairs central apparatus and its central departments and departments in the regions typical outlines of exercises on combating racism and xenophobia, and preventing discrimination on the basis of racial origin or religious affiliation, for use in their staff training system.	Department of Education and Science, Ministry of Internal Affairs institutes of further education	By 1 August 2010	
2.8.	Prepare and distribute to units of the internal affairs agencies:			
2.8.1	• Compendium of legislation on combating xenophobia and racial and ethnic discrimination	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute	During 2010	
2.8.2	• Recommended methods for preventing offences based on racial, ethnic or religious discord	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute	During 2011	
2.8.3	• Recommended methods for preventing the use of ethnic profiling as a distinct part of social awareness work with staff	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute	During 2011	
2.8.4	• Recommended methods for preventing the use of "language of hate" in information from departmental media and by official representatives of the internal affairs agencies	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute	During 2011	
2.8.5	• Recommended methods for preventing the use of "language of hate" in information from departmental media and by official representatives of the internal affairs agencies	Department of Education and Science, Ministry of Internal Affairs institutes of further education and State Research Institute, Juvenile Criminal Militia Department	During 2010	

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2.9	Together with the Ministries of Internal Affairs, Health and Labour, and voluntary associations, make use of visual media (leaflets, posters) on employment, health services and social integration into Ukrainian society of foreign nationals and stateless persons who are in the country legally.	State Department for Citizenship, Immigration and Registration of Individuals, Department of Public Safety, Ministry's central departments and departments in the regions	December 2011	
2.10	Participate in improving legislation on combating xenophobia and racial and ethnic discrimination.	Legal Department, Criminal Investigation Department, Juvenile Criminal Militia Department, Department to Combat Drug Trafficking, Department of Public Safety, Ministry's central departments and departments in the regions	Continuously	
2.11	Plan measures to combat racism and xenophobia up to 2012 under the draft crime prevention programme, 2010–2015.	General Staff, Ministry of Internal Affairs State Research Institute	During 2010	
3.	General and special preventive measures			
3.1	Take effective measures within the Ministry's competence to reduce tension in ethnic relations arising from religious enmity between representatives of different ethnic groups in the population of the Autonomous Republic of Crimea.	Central Department to Combat Organized Crime, Department of Public Safety, Criminal Investigation Department, State Department for Citizenship, Immigration and Registration of Individuals, Central Department of the Ministry of Internal Affairs in the Autonomous Republic of Crimea	Continuously	
3.2	Improve preventive work with identified members of radical youth organizations and groups whose activities are aimed at spreading xenophobia and racial and ethnic discrimination, and their family members, to prevent public order violations and crimes.	Criminal Investigation Department, Department of Public Safety, Juvenile Criminal Militia Department, Ministry's central departments and departments in the regions	Continuously	
3.3	Step up work to prevent, investigate and detect illegal acts intended to incite ethnic, racial or religious enmity or hatred, demean ethnic honour and dignity or cause offence to citizens in connection with their religious beliefs.	Criminal Investigation Department, Central Investigative Authority, Ministry's central departments and	Continuously	

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		departments in the regions		
3.4	Analyse racially and ethnically motivated crimes and offences against the life and health of citizens of Ukraine, foreign nationals and stateless persons. Use the results to make appropriate amendments to the forces and resources integrated use plan and the duty bulletins posted to ensure the protection of public order in the single deployment system.	Criminal Investigation Department, Department of Public Safety, Ministry's central departments and departments in the regions	Quarterly	
3.5	Carry out urgent investigations to prevent and detect offences against foreign nationals and representatives of ethnic or religious minorities.	Criminal Investigation Department, Central Department to Combat Organized Crime, Ministry's central departments and departments in the regions	Continuously	
3.6	Study materials from criminal and investigative cases for undetected serious and especially serious crimes against foreign nationals, hold hearings of members of investigating units, check the implementation status of instructions issued previously, compile supplementary plans for investigative action and inquiries.	Criminal Investigation Department, Central Investigative Authority, Central Department to Combat Organized Crime, Ministry's central departments and departments in the regions	Every six months	
3.7	Increase operational monitoring of events taking place among young people and teenagers. Ensure that they are effectively covered by operational sources working to identify the leaders and active members of radical informal youth organizations, and the individuals who attract them into illegal activities and make it possible for such groups to exist.	Juvenile Criminal Militia Department, Criminal Investigation Department, Ministry's central departments and departments in the regions	Continuously	
3.8	Carry out spot checks, as allowed by law, in places where radical groups concentrate, take the necessary measures to prevent attempts to incite them, including during social and political events.	Criminal Investigation Department, Juvenile Criminal Militia Department, Department of Public Safety, Ministry's central departments and departments in the regions	Continuously	
3.9	Organize the collection, processing, analysis and utilization of information on illegal activities of radical organizations.	Criminal Investigation Department, Ministry of Internal Affairs State Research Institute, Office of the Minister, Ministry's central departments and departments in the regions	Continuously	

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3.10	Set up a database with a record of the leaders and members of radical, neo-Nazi and ultranationalist groups and organizations who take part in illegal activities to use in preventive work and crime detection.	Information Technology Department, Criminal Investigation Department, Juvenile Criminal Militia Department, Department of Public Safety	During 2010	
3.11	In order to prevent illegal activities by leaders and active members of informal youth groups in areas where there are hostels or in which emigrants from countries of Africa, Asia and Latin America live, strengthen operational positions to ascertain the prevailing situation among young people.	Criminal Investigation Department, Juvenile Criminal Militia Department, Ministry's central departments and departments in the regions	Continuously	
4.	International collaboration, cooperation with non-governmental organizations and information policy			
4.1	Develop collaboration with other countries and law enforcement agencies of other States to study and identify lessons learned, exchange information on practice in adopting progressive administrative decisions and legal initiatives to combat xenophobia and racial and ethnic discrimination, take part in international events on the issue.	Department of Public Relations and International Affairs, Department of Public Safety, Criminal Investigation Department	Continuously	
4.2	Sign a Memorandum of Understanding between the Ministry of Internal Affairs and the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights.	Department of Public Relations and International Affairs, Human Rights Monitoring Department	April 2010	
4.3	Facilitate the work of the National Coordinator for collaboration between the law enforcement agencies of Ukraine and the OSCE Office for Democratic Institutions and Human Rights.	Department of Public Relations and International Affairs, Human Rights Monitoring Department	Continuously	
4.4	Continue collaboration with the OSCE Office for Democratic Institutions and Human Rights, the International Organization for Migration and other international organizations in training for staff of the internal affairs agencies on characteristic aspects of cases linked to xenophobia and racial and ethnic discrimination.	Department of Public Relations and International Affairs, Human Rights Monitoring Department, Department of Education and Science, Ministry of Internal Affairs institutes of further education, Criminal Investigation Department	Continuously	
4.5	Provide statistics on the number of hate-based crimes, in line with the annual request from the OSCE Office for Democratic Institutions and Human Rights.	Human Rights Monitoring Department, Information Technology Department, Criminal Investigation Department, Central Investigative Authority	By 1 April each year	

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4.6	Ensure constant collaboration and cooperation with relevant NGOs and voluntary associations to prevent xenophobia, ethnic or racial intolerance, and carry out joint monitoring of respect for the rights of foreign nationals and representatives of ethnic minorities by staff of the internal affairs agencies.	Department of Public Relations and International Affairs, Human Rights Monitoring Department, Criminal Investigation Department, Ministry's central departments and departments in the regions	Continuously	
4.7	Organize the centralized exchange of information between internal affairs agencies, member States of the Commonwealth of Independent States and the law enforcement structures of other countries on illegal activities of radical organizations.	Department of Public Relations and International Affairs, Criminal Investigation Department, Department of Public Safety	December 2011	
4.8	Organize meetings with representatives of the diasporas in Ukraine to ensure the timely detection and prevention of offences against foreign nationals primarily based on racial and religious intolerance.	Criminal Investigation Department, Department of Public Safety, Ministry's central departments and departments in the regions	Every six months	
4.9	To ensure a proper assessment of the situation and timely reaction to criminal threats that arise in inter-ethnic relations, prepare and submit to the Ministry leadership reasoned proposals for the introduction of a position of ministerial adviser on ethnic minorities (on a voluntary basis).	Office of the Minister, Human Rights Monitoring Department, Human Resources Department	1 June 2010	
4.10	Recommend that the community councils in the Ministry's central departments and departments in the regions discuss combating xenophobia and racism through community action.	Human Rights Monitoring Department, Ministry's central departments and departments in the regions	By 1 March 2010	
4.11	Together with the Ministry of Education and Science, carry out awareness-raising and preventive work to prevent the spread of xenophobia and racism among children, school pupils and students, and their parents.	Juvenile Criminal Militia Department, Department of Public Safety, Criminal Investigation Department, Ministry's central departments and departments in the regions	Continuously	
4.12	Systematically inform representatives of the diplomatic and consular corps about incidents concerning foreign citizens, the circumstances of crimes committed against them, and the measures taken to investigate those crimes.	Department of Public Relations and International Affairs	Continuously	

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4.13	Adopt measures to prevent unwarranted mention of the ethnic origin of criminals or suspects in reports of the Ministry of Internal Affairs and its central departments and departments in the regions.	Department of Public Relations and International Affairs, Human Rights Monitoring Department, Ministry's central departments and departments in the regions	Continuously	
4.14	Ensure that regulations, statistics and practical information on the activities of the internal affairs agencies in preventing racism are available on the premises of the Ministry of Internal Affairs and its central departments and departments in the regions.	Department of Public Relations and International Affairs, Human Rights Monitoring Department, Ministry's central departments and departments in the regions	Continuously	
4.15	Collaborate with representatives of the media to provide information on the spread of racism and xenophobia in Ukrainian society, and the measures taken by the Ministry of Internal Affairs to address the phenomenon; ensure the regular distribution of information on radical groups gathered by the Ministry.	Department of Public Relations and International Affairs, Human Rights Monitoring Department, Ministry's central departments and departments in the regions	Continuously	