

UKRAINE

Follow-up - State Reporting i) Action by Treaty Body

CERD, A/62/18 (2007)

CHAPTER IV. FOLLOW-UP TO THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

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498. Between 18 August 2006 and 17 August 2007, follow-up reports were received from the following States parties on the implementation of the recommendations regarding which the Committee had requested information within a year: Azerbaijan (CERD/C/AZE/CO/4/Add.1), Bahrain (CERD/C/BHR/CO/7/Add.1), France (CERD/C/FRA/CO/16/Add.1), Georgia (CERD/C/GEO/CO/3/Add.1), Lithuania (CERD/C/LTU/CO/3/Add.1), Mexico (CERD/C/MEX/CO/15/Add.1), Uzbekistan (CERD/C/UZB/CO/5/Add.2), Ukraine (CERD/C/UKR/CO/18/Add.1), Norway (CERD/C/NOR/CO/18/Add.1), and Guatemala (CERD/C/GTM/CO/11/Add.1) (see annex IV for an overview of the follow-up reports pending receipt, received, examined or scheduled for consideration at the seventy-second session).

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Annex IV

OVERVIEW OF INFORMATION PROVIDED BY STATES PARTIES ON THE IMPLEMENTATION OF THE CONCLUDING OBSERVATIONS

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Sixty-ninth session (31 July-18 August 2006) - Follow-up reports due by 18 August 2007

<u>State party</u>	<u>Date of receipt of follow-up report</u>	<u>Session at which follow-up report was discussed</u>
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Ukraine	12 August 2007	
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CERD, A/63/18 (2008)

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**CHAPTER IV. FOLLOW-UP TO THE CONSIDERATION OF REPORTS
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION**

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520. At the 1878th meeting (seventy-second session) and the 1897th meeting (seventy-third session), held on 5 March and 13 August 2008 respectively, the coordinator on follow-up presented a report on his activities to the Committee.

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522. At its seventy-second and seventy-third sessions, the Committee considered the follow-up reports of Denmark, Guatemala, Guyana, Liechtenstein, Mexico, Norway, Turkmenistan, Ukraine and Uzbekistan, and continued the constructive dialogue with these States parties by sending them letters with comments and requests for further information.

ii) Action by State Party

CERD, CERD/C/UKR/CO/18/Add.1 (2007)

Information provided by the Government of Ukraine on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination

[27 August 2007]

Information on the issues contained in section C, paragraph 8, of the concluding observations of the Committee on the Elimination of Racial Discrimination on the seventeenth and eighteenth periodic reports of Ukraine on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

Paragraph 418*

1. As at 1 April 2007, there were 33,063 religious organizations in Ukraine, including 1,036 ethnic minority religious associations. Most of those associations (499) were founded by followers of Islam, Judaism is represented by 285 associations, the Transcarpathian (Hungarian) Reformed Church by 118, the German Evangelical Lutheran Church by 40, and the Armenian Apostolic Church by 23.

2. There are also Czech, Korean and Swedish ethno-denominational communities. In the Autonomous Republic of Crimea there are Karaite and Krymchak communities.

3. The creation of a constitutional and legal framework for freedom of conscience and guarantees for the development of the ethnic, cultural, linguistic and religious identities of indigenous peoples and ethnic minorities have served as a stimulus for the expansion of the religious and institutional infrastructures of those groups and the enrichment of their religious and spiritual life. In Ukraine, religious organizations fall under clearly defined ethno denominational labels: members of the Reformed Church, Lutherans, Jews, Muslims, Karaite and Krymchaks. In many cases, differentiation by ethnic characteristics occurs within religious communities, and the ethno-spiritual needs of believers are met through the observance of religious traditions and rites of those ethnic groups.

4. Experts on freedom of conscience have acknowledged that Ukraine is a stable State in terms of inter-ethnic and interdenominational relations; there have been no conflicts on ethno denominational grounds in Ukraine. Moreover, acts of vandalism and other unlawful acts involving the desecration and damaging of commemorative signs, memorial complexes and headstones at ethnic minority burial sites are brought to the attention of the State authorities by international and national experts, religious figures and the media. It should be mentioned that there are at present about 19,500 memorial complexes and cemeteries in Ukraine, 2,400 of which are protected.

5. An analysis of available data makes it possible to state that there were 92 acts of defilement of cemetery monuments in 2006 and 2007, including seven incidents involving

shrines and headstones at sites where Crimean Tatars, Jews and Hungarians are buried. The events that took place in Odesa on 18 February 2007, when more than 500 graves in the third Jewish cemetery and a memorial to victims of the Holocaust were desecrated, aroused considerable public outcry. Criminal proceedings were initiated for the offence of defilement under article 297 (Vandalism) of the Criminal Code of Ukraine. The culprits were caught in the act. Representatives of 40 ethnic associations and denominations in the Odesa region issued a joint statement condemning the act of vandalism and stating that, "society, in particular religious organizations, must react appropriately to such xenophobic acts". They pointed out that it was incumbent on the Government to pay particular attention to trends in society that give rise to such phenomena.

6. The Crimean Interdenominational Council, called "The World is God's Gift", reacted just as strongly to the desecration of a Muslim cemetery and the defilement of headstones, which occurred on 15 April 2007 in the village of Sofiyivka in Simferopol district.

7. Following the aforementioned incidents, the central and local authorities took practical measures that provided for allocation of appropriate budgetary resources to restore the damaged headstones. Special militia units now patrol cemeteries, and video surveillance cameras have been installed near memorial complexes.

8. Analysis of available information, statistical data and records of court decisions shows that, in Ukraine, there are no systematic manifestations of violence or other asocial behaviour intended to incite racial, inter-ethnic or religious hostility. Not a single case has been recorded of church representatives, religious organizations, political parties or voluntary associations publicly stirring up xenophobic feelings.

9. At the same time, State policy in the area of freedom of conscience continues to focus on the promotion of inter-ethnic and interreligious harmony and the prevention of the spread of extremist or radical ideological and religious tendencies.

10. In order to prevent and counteract asocial manifestations, the Cabinet of Ministers instructed the Ministry of Justice to establish legal standards to stop the spread and propaganda of xenophobia, racism and anti-Semitism which would be contained in the Ministry's bill on the principles of domestic and foreign policy.

11. A bill on amendments to the Criminal Code concerning responsibility for offences committed on the grounds of inter-ethnic, racial or religious hatred or hostility will be submitted to the Verkhovna Rada (Supreme Council) for consideration at its sixth convocation.

12. As part of the implementation of Presidential Decree No. 154 of 28 February 2006 on the decision of the National Security and Defence Council of Ukraine of 8 February 2006 concerning the social situation in the Autonomous Republic of Crimea, a project entitled "Promotion of tolerance in Crimean society as a means of early prevention of ethnic and interdenominational conflicts" is being conducted, and a special course entitled "The culture of good neighbourliness" is being evaluated in State general education schools and Christian Sunday schools.

13. Under the plan of front-line measures of the State Committee on Ethnic and Religious Affairs, a round table entitled "State policy priorities in the area of freedom of conscience: means for their implementation" is to be held in May 2007, and a training conference entitled "Interdenominational dialogue as an integral element for the development of civil society" is to be conducted in December 2007, with the participation of religious figures, government and civil society representatives, and experts on freedom of conscience. The issue of combating asocial and destructive phenomena in the religious environment will be considered at both events.

14. In our view, the implementation of the aforementioned systemic measures and a progressive strategy for cooperation between the State and the Church will promote tolerance and mutual respect, consolidate universally recognized moral and ethical principles in the public consciousness and actively counteract, at all levels, any manifestations of racial or religious hatred.

Paragraph 419

15. Article 161 (Violation of the equal rights of citizens based on race or ethnicity or attitude to religion) of the Criminal Code of Ukraine penalizes the wilful incitement of ethnic, racial or religious animosity and hatred, the demeaning of ethnic honour and dignity, offending a person's dignity in connection with his or her religious beliefs, and the direct or indirect restriction of rights or the establishment of privileges based on race, skin colour, political, religious or other convictions, sex, ethnic or social origin, wealth, place of residence and linguistic or other characteristics, by a fine of up to 50 times the minimum wage before tax or punitive deduction of earnings for up to two years, or deprivation of liberty for up to five years, with or without forfeiture of the right to hold certain posts or engage in certain activities for up to three years.

16. When compounded by the use of violence, fraud or coercion, or when carried out by an official, the same acts are punishable by punitive deduction of earnings for up to two years, or deprivation of liberty for up to five years (art. 161, para. 2).

17. Paragraph 3 of article 161 stipulates that the acts covered by paragraphs 1 and 2, when committed by an organized group of individuals, or if they led to the loss of human life or other serious consequences, are punishable by deprivation of liberty for between two and five years.

18. At the same time, it should be mentioned that the purpose of the Criminal Code of Ukraine, as stated in article 1, paragraph 1, is to guarantee by law the protection of human and civil rights and freedoms, property, public order and public safety, the environment, and the constitutional system of Ukraine from criminal attacks, to ensure the peace and security of mankind and to prevent crime.

19. Ukrainian citizens, foreigners or stateless persons may be victims of a crime stipulated in article 161 of the Criminal Code.

Paragraph 420

20. Under the Constitution of Ukraine, the foundation 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 hostility, and encroaching on human rights and freedoms and public health (art. 37, para. 1).

21. Under article 4 of the Citizens' Associations Act, activities intended to incite ethnic and religious hostility constitute one of the grounds for refusing to authorize a citizens' association, and for prohibiting the activities of authorized citizens' associations through judicial procedure.

22. The Ministry of Justice carries out expert legal examinations of documents submitted by citizens' associations under the authorization procedure. When those documents do not meet the requirements of the Constitution or the Citizens' Associations Act, the Ministry of Justice rejects the application for authorization.

23. In accordance with article 25 of the Citizens' Associations Act, the bodies responsible for authorizing citizens' associations monitor their observance of the provisions of their charters. Representatives of monitoring bodies have the right to attend events organized by citizens' associations, request necessary documents and receive an explanation.

24. Article 32, paragraph 1 (i), of the Citizens' Association Act states that, at 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 hostility.

25. At the same time, it should be pointed out that there have been no cases in which the Ministry of Justice has applied to the courts to prohibit the activities of an authorized citizens' association on the grounds of incitement to ethnic, racial or religious hostility.

Paragraph 421

26. The lack of identity documents among persons belonging to the Roma ethnic group can be explained by the fact that most of them have no registered place of residence in Ukraine. Most laws and regulations provide for the exercise of civil rights (documentation, medical care, education and social assistance) based on a person's place of residence.

27. On 1 January 2006, the Homeless Citizens and Neglected Children (Social Protection) Act entered into force. The Act provides that the relevant specialized agencies established by local government bodies and authorities shall register homeless citizens on the basis of their predominant place of residence.

28. Under the Act, homeless citizens are registered at the legal address of the specialized agency that registers them, or at the address of another agency for this category of persons. Homeless citizens who do not have a passport must apply to the registration bodies for the reissue of identity documents, providing a declaration on the registration of their predominant

place of residence and a certificate of their registration.

29. The procedure for issuing identity documents, which was approved by Ministry of Internal Affairs Order No. 600 on 15 June 2006 and registered under No. 804/12678 in the Ministry of Justice on 7 July 2006, sets out the procedure for identifying persons who, for various reasons, were not issued a passport before the age of 18, and for reissuing homeless citizens' lost or stolen identity documents. The problem is regulated by legislation.

30. Ukraine is taking the necessary steps to improve the educational process: special methods for teaching Roma children that take account of their traditional upbringing and way of life has been introduced; a range of benefits, including free meals and medical treatment, is being offered to increase material support for pupils of Roma origin; and extra-curricular courses on Roma history, traditions and culture are being introduced.

31. The sectoral programme for the social and spiritual revival of the Roma in Ukraine for the period up to 2006, approved by the Cabinet of Ministers on 11 September 2003 (No. 24336), has contributed significantly to resolving these issues.

32. A range of matters related to meeting the educational needs of the Roma has been included in a set of measures (Order No. 687 of 13 October 2003) developed by the Ministry of Science and Education and sent to the regions for the purpose of implementing the programme for the social and spiritual revival of the Roma in Ukraine for the period up to 2006.

33. Foremost among the main areas of activity of the education and science offices attached to provincial government administrations were the tasks of encouraging as many Roma children as possible to attend general education establishments and of identifying such negative phenomena as homelessness, begging, vagrancy and crime.

34. Pursuant to Cabinet of Ministers Decision No. 646 of 12 April 2000, the education authorities conduct compulsory registration of school-age children and adolescents, including Roma. However, this work is complicated by the fact that some Roma do not have a fixed abode.

35. Teachers and social workers study the living conditions of Roma children and conduct outreach work to identify negative phenomena and constantly monitor school attendance. Children from Roma families receive financial assistance from a general education fund that provides pupils with textbooks, various school supplies, free hot meals and clothes.

36. Teaching staff carry out one-on-one work with the parents of Roma children in order to explain that school attendance is compulsory, and to promote a healthy lifestyle.

Paragraph 422

37. First of all, it should be pointed out that, pursuant to article 25, paragraph 4, of the Militia Act, which defines the terms of reference for the militia's activities, complaints concerning the actions of a member of the militia may be submitted in accordance with the established procedure to internal affairs agencies, the courts or the procurator's office.

38. Article 27 of the Act provides that the Procurator-General of Ukraine and the procurators under his authority shall monitor the lawfulness of militia activities.

39. It should also be noted that, according to article 110, paragraphs 1 and 3, of the Code of Criminal Procedure, complaints concerning the actions and decisions of investigative bodies, of which the militia is one, shall be submitted to the procurator and to the court.

40. Article 234, paragraphs 1 and 5, of the Code of Criminal Procedure, stipulates that complaints concerning the actions of internal affairs investigative bodies may be lodged either directly with the procurator or through an investigator or the court.

41. Articles 106 and 165² of the Code govern the procedure for exercising the right to lodge complaints concerning the lawfulness of pretrial detention.

42. Under article 2, paragraph 2, of the Code of Administrative Court Procedure, complaints may be submitted to the administrative courts concerning any failure to take action on the part of an individual in a position of authority, except in cases where the Constitution or legislation envisage other arrangements for legal proceedings.

43. It should also be pointed out that Ukrainian legislation provides for the possibility of compensation for damages caused by unlawful acts on the part of the militia.

44. The grounds and procedures for compensation for such damages are set out in the Act on the procedure for providing compensation to citizens for damages caused by unlawful acts on the part of bodies conducting initial inquiries or pretrial investigations, the procurator's office and the judiciary.

45. According to article 5 (Activities of the militia and the rights of citizens) of the Militia Act, members of the militia carry out their duties in an impartial manner and in accordance with the law. No exceptional circumstances or instructions from officials may serve as grounds for any unlawful acts or failure to act on the part of the militia. Members of the militia, regardless of their position, are obliged to take steps to ensure the public order.

46. The militia respects the dignity of individuals and treats them humanely; it safeguards their human rights regardless of their social origin, property or other status, race, ethnicity, citizenship, age, language, education, attitude to religion, sex, and political and other convictions. In addressing a citizen, a militia member must give his or her name and rank and present official identification upon request.

47. According to article 11 (Rights of the militia) of the Militia Act, in performing its duties, the militia has the right:

"(2) To inspect the identity documents of citizens suspected of having committed an offence as well as other documents necessary to verify the observance of the regulations that the militia is responsible for monitoring and supervising;

"[...]

"(5) To detain and hold in specially designated premises:

"- individuals suspected of having committed a crime, perpetrators evading an initial inquiry, investigation or trial, and convicted persons seeking to escape punishment, for the periods and in accordance with the procedure established by law;

"- individuals who have committed administrative offences, with a view to drawing up a report or reviewing the facts of the case, if this cannot be done on the spot, for up to three hours, and, when necessary for establishing a person's identity and clarifying the circumstances of the offence, for up to 72 hours, upon written notification of the procurator within 24 hours from the time of detention;

"- individuals who fail to comply with the legitimate demands of a militia officer, for the consideration of the case by a court, but for no longer than 24 hours;

"- individuals found in a state of drunkenness in public places, if their appearance is an affront to human dignity and public morals, or if they are incapable of moving without assistance, or if they might cause harm to themselves or those around them, until they are handed over to a specialized medical facility or taken to their place of residence, or where none exists, until they sober up;

"- individuals suspected of vagrancy, for up to 30 days, by order of the procurator;

"(6) To carry out searches of the individuals referred to in paragraph 5 of this article, of the objects in their possession and of their vehicles, and to confiscate documents and objects that may serve as material evidence or be used to harm their health;

"(7) To draw up reports of administrative offences, carry out searches of individuals and objects, confiscate objects and documents and take other measures provided for by law to ensure that cases of administrative offences are brought before a court."

48. The procedure for holding individuals in the militia's special facilities (temporary holding cells, reception/sorting centres for individuals taken into custody for vagrancy, and special reception centres for individuals under administrative detention) are governed by the Militia Act and the regulations on procedures for short-term detention of individuals suspected of having committed one of the offences covered in article 106-1 of the Code of Criminal Procedure and in the Previous Detention Act.

49. Individuals in pretrial detention are not given any privileges or advantages based on their race, ethnicity, attitude to religion, property status, political views, or past services.

50. In addition, detained individuals have the right to perform their religious rites in private and make use of religious literature and of religious art made of inferior metals, as long as this does not infringe on the established order or encroach on the rights of other persons.

51. Since the beginning of 2007, no reports of unlawful acts by members of the militia against foreign citizens, including Roma, have been received by the administration for the protection of the public order within the State Security Department of the Ministry of Internal Affairs.

Paragraph 423

52. On 21 June 2001, the Refugees Act was adopted in order to define the legal status of refugees in Ukraine and the procedure for the granting, termination and withdrawal of refugee status, and to establish State guarantees for the protection of refugees. The Act is in full conformity with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

53. Even before the Convention was ratified, the Verkhovna Rada adopted legislation governing the legal status of refugees in Ukraine and defining their fundamental rights and duties. A new version of the Ukrainian Citizenship Act was adopted on 18 January 2001, and the Immigration Act was adopted on 7 July 2001. The principal international standards that apply in this area, particularly the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, were taken into account in the drafting of these legislative texts.

54. On 31 May 2005, articles 9 and 12 of the Refugees Act were amended with a view to preventing violations of the right of asylum-seekers to be granted refugee status in Ukraine and to avail themselves of legal protection in accordance with the provisions of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, which do not specify a time period during which an asylum-seeker is obliged to lodge an application for refugee status with the authorities. These amendments remove the time limit for lodging an application for refugee status in Ukraine and extend, from 3 working days from the date of registration of the application to 15 working days, the time period allotted to the immigration authorities to interview the applicant, consider the information contained in the application and other documents, and decide whether or not to grant refugee status.

Paragraph 424

55. 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 involve them in decision-making on priority issues. One of the most effective forms to do this is to encourage the direct representation of former deportees in various levels of government.

56. The work conducted by local authorities has had positive results: the number of former deportees among civil servants and local officials is increasing.

57. Following elections for deputies to the Supreme Council and local government bodies of the Autonomous Republic of Crimea, held on 26 March 2006, the same day as the elections for people's deputies of Ukraine, seven representatives of the Crimean Tatars became deputies of the Supreme Council of the Autonomous Republic of Crimea. A total of 137 representatives of the Crimean Tatars were elected to serve as deputies on city and district councils in the Autonomous Republic of Crimea. Among the deputies to community and village councils, there are more than 1,000 Crimean Tatars. In the Autonomous Republic of Crimea, Crimean Tatars constitute 15 per cent of all deputies to councils at all levels. It should be noted that, of the 309 elected community and village presidents, 24 (7.7 per cent) are Crimean Tatars. Two Crimean Tatars have been elected to the Supreme Council of Ukraine.

58. Today, 146 civil servants working in the central government of the Autonomous Republic, including the Council of Ministers, ministries and committees, are people formerly deported on ethnic grounds, and their descendants (12.9 per cent of the total number of persons employed in the aforementioned bodies).

59. A total of 402 persons who had been deported on ethnic grounds, or 5.8 per cent of the total staff, are currently serving in the central administration of the Ministry of the Armed Forces of Ukraine Central in the Autonomous Republic of Crimea.

Paragraph 425

60. As at 1 January 2007, more than 250,000 formerly deported Crimean Tatars and persons of other ethnic origin were living in the Autonomous Republic of Crimea; this figure represents 12 per cent of the population of Crimea.

61. Since Ukrainian independence, State programmes and decisions have been adopted and Presidential orders and instructions have been issued with a view to resolving the complex social and economic problems of formerly deported persons. It should be pointed out that, in financial and economic terms, Ukraine is addressing these issues almost without assistance.

62. Since 1991, the State budget has earmarked funds for the resettlement of formerly deported persons by including a separate item to that effect. Budgetary resources are allocated mainly for the construction of housing, utilities and social and cultural amenities.

63. Over the past 16 years, more than 950 million hryvnias from the State budget have been spent on capital construction work for the resettlement of repatriated persons which has made it possible to construct 440,000 square metres of housing and seven schools with 2,043 places for students, lay 853 kilometres of water pipes, 1,170 kilometres of electric lines, 110 kilometres of roads and 292 kilometres of gas pipelines and to open other social and cultural facilities.

64. With a view to solving a number of the remaining problems in this area, in its Decision

No. 637 of 11 May 2006, the Cabinet of Ministers of Ukraine approved a resettlement programme for the deported Crimean Tatars and persons of other ethnic origin who have returned to take up residence in Ukraine, and their rehabilitation and reintegration into Ukrainian society for the period up to 2010.

65. The programme addresses the social and economic and cultural and educational problems relating to the return of deported persons to their historical homeland, and identifies priority tasks for government authorities with regard to the resettlement and rehabilitation of such persons and their reintegration into Ukrainian society.

66. In the 2007 State budget, 71.4 million hryvnias have been earmarked for measures to resettle formerly deported persons; 67,046,200 hryvnias are for capital construction and 4,353,800 are for the social and cultural network. At present, work is being carried out to utilize the funds allocated.

67. As at 1 January 2007, more than 720,000 people - of whom 577,000 were adults - were living in rural areas in Crimea; 110,000 or 19.3 per cent of that number were Crimean Tatars.

68. More than 78,000 Crimean Tatars (72.2 per cent of the overall adult rural population) have received and are continuing to receive plots of land.

69. In order to ensure that formerly deported persons receive agricultural land, over 1.45 hectares are allocated to each person living in a rural area.

70. Between 2004 and 2007, the problem of ensuring that formerly deported persons receive plots of non-agricultural land in the Autonomous Republic of Crimea became more acute, particularly in large populated areas on the south-eastern coast of Crimea.

71. At present, 380,000 plots of land, including 77,000 plots (19.8 per cent) for formerly deported persons, have been set aside for the construction of individual dwellings in the Autonomous Republic of Crimea. Work in this area is continuing.

Paragraph 426

72. In addition to solving political, legal and social and economic problems, Ukraine attaches great importance to settling the problems involved in the rehabilitation and reintegration of repatriated persons into Ukrainian society.

73. The development of education for ethnic minorities, including the teaching of children's mother tongues, is an important aspect of social and cultural rehabilitation, and the Government is giving it due attention. Currently, 15 schools with a total of 3,482 pupils in the Autonomous Republic of Crimea provide instruction in Crimean Tatar. In addition, 1,032 students learn Crimean Tatar in 33 Russian-language general education schools. In the 21 general education schools that teach Ukrainian, Russian and Crimean Tatar, 371 classes provide instruction in Crimean Tatar.

74. A network of children's recreation centres is being developed in areas with high concentrations of Crimean Tatars. There are currently 14 such centres.

75. In order to meet the needs of Crimean Tatars, the Government has drawn up a number of measures providing for the publication of textbooks and other educational materials.

76. In 2006, 510,000 hryvnias were earmarked for the publication of literature in Crimean Tatar: 110,000 hryvnias for the publication of works of fiction, of which 80,000 were for works of fiction by deported persons of Armenian, Bulgarian, Greek and German descent, and 400,000 for educational and instructional materials. In 2007, 770,000 hryvnias were earmarked under a programme to publish literature for formerly deported citizens; of that sum, 250,000 hryvnias were allocated for the publication of fiction in Crimean Tatar, 400,000 for the publication of educational and instructional literature, and 120,000 for the publication of works of fiction by deported persons of Armenian, Bulgarian, Greek and German descent.

77. Under a State quota, higher education establishments of the Autonomous Republic of Crimea train teaching staff for general education establishments in which Crimean Tatar is studied.

78. Newspapers are published in Crimean Tatar, and the State Television and Radio Broadcasting Company Krym broadcasts programmes in Crimean Tatar.

79. The Ministry of Education and Science of Ukraine is making consistent efforts to improve the provision of educational and instructional materials to general education establishments that provide instruction in ethnic minority languages, including Crimean Tatar. The overall rate of provision of textbooks to such establishments is 100 per cent. For example, in 2006, 400,000 hryvnias were allocated solely for the publication of educational materials in Crimean Tatar; 12 instructional works were printed in Crimean Tatar, including new textbooks in Crimean Tatar and materials for 6 grades of the 12-grade school system. In 2007, textbooks in Crimean Tatar and materials for 7 grades of the 12-grade school system were prepared for publication.

80. Publication of other educational and instructional materials and dictionaries for such establishments is continuing. In order to increase publishing activity, an advisory board for the preparation and publication of educational and instructional materials in Crimean Tatar has been established in the Ministry of Education and Science of the Autonomous Republic of Crimea.

81. As a result of the transition of general education establishments to a new model with new curricula and a 12-year education system, for the first time in Ukraine, a Roma language and literature programme for general education establishments providing instruction in Ukrainian has been developed on a competitive basis.

82. Roma language and literature textbooks are being prepared for the first to fourth grades and the fifth and sixth grades, and work is continuing on a programme of instruction for the first to fourth grades.

Paragraph 427

83. Ukraine has assumed the obligation of ensuring the rights and freedoms of refugees and persons who have applied for refugee status in Ukraine in accordance with international norms and domestic legislation.

84. The first task is to solve the problem of housing. Ukraine cannot fully guarantee free housing for all refugees and asylum-seekers. In order to solve that problem, a temporary housing centre designed to accommodate up to 400 refugees and asylum-seekers at a time has been established in Odesa province. The centre was established in accordance with article 6 of the Refugees Act, the regulations on the State Committee for Ethnic Minorities and Migration (approved by Presidential Decree No. 269 of 19 March 2002), the regulations on temporary housing centres for refugees (approved by Order No. 31 of the State Committee for Ethnic Minorities and Migration of 5 September 2002), the order of the Odesa provincial authorities of 25 April 2000 on establishing a temporary housing centre for refugees in Odesa province, and the State Committee for Ethnic Minorities and Migration Order of 27 July 2004.

85. At present, pursuant to State Committee on Ethnic Minorities and Migration Order No. 4 of 30 January 2003, construction of a similar centre is under way in Yahotyn in Kyiv province. The centres have been built in Odesa and Kyiv provinces because the majority of refugees registered in Ukraine live in those provinces, and because of employment prospects there.

86. In addition to housing, refugees are entitled to receive financial assistance. Cabinet of Ministers Decision No. 1016 of 6 July 1998 approving the procedure for granting refugees financial assistance and benefits specifies the procedure and conditions under which refugees receive financial support. Pursuant to the procedure, financial assistance for refugees takes the form of a one-time allowance for purchasing essential goods and a lump sum to reimburse the cost of travel to the regional temporary housing centre for refugees, the region of temporary residence, or any other place chosen as a place of residence by the refugee.

87. The allowance for purchasing essential goods is equivalent to:

- One minimum wage before taxes for each person over 16 years of age;
- 60 per cent of one minimum wage before taxes for each child under 16.

88. Article 2, paragraph 2, of the Act of 18 May 2004 on State social assistance for persons not entitled to a pension and persons with disabilities states that, "persons who are granted refugee status in Ukraine are entitled to State social assistance on an equal footing with Ukrainian citizens under the conditions specified in the present Act, other legislation, or international treaties to which Ukraine is a party and which have been recognized as binding by the Verkhovna Rada of Ukraine".

89. The Refugees Act consolidates the right of refugees to education; however, refugees generally cannot fully exercise that right, in particular the right to higher education. Ukrainian legislation grants refugees the same status as foreigners and stateless persons who lawfully reside

in Ukraine. As a result, refugees cannot avail themselves of the right to education, particularly higher education, since they are generally unable to pay for tuition.

90. One way of solving the problem of educating refugees is for non-governmental organizations to establish special funds and centres that hold various courses for refugees and members of their families. The Vita centre for refugee families was established in Odesa with assistance from the Office of the United Nations High Commissioner for Refugees; the centre offers free Ukrainian, Russian and English courses. A similar centre is in operation in Kyiv, with assistance from the Rokada charitable fund.

Paragraph 428

91. The identification, study, restoration and protection of historical and cultural sites constitute an integral part of the process of reviving ethnic cultures in the Autonomous Republic of Crimea.

92. The State protects dozens of sites of significance to Crimean Tatars, Armenians, Greeks, Germans and Crimean Karaites and other ethnic groups. Restoration work has recently been carried out on the Juma-Jami mosque in Evpatoriya, the Mufti-Jami mosque in Feodosiya, the Yusupov mosque in the village of Sokolinoe in Bakchysaray district, the Kebir-Jami mosque in Simferopol, the Armenian church in Feodosiya, the Khan's palace, the Zinjirli madrasa and the Gazi-Mansur cemetery in Bakchysaray, the bazaars and Turkish bath in Evpatoriya, the memorial complex where Ismail Gasprinsky is buried and the house in which he lived and worked, the Karaite kenasa in Evpatoriya, as well as other historical and cultural sites.

93. At the same time, a number of problems relating to the resettlement of formerly deported persons, their rehabilitation and their reintegration into Ukrainian society have not been completely solved. Such problems include the provision of housing and employment.

94. In order to formalize the legal status of persons formerly deported on ethnic grounds, and to define the powers of State bodies and local authorities where repatriated persons are concerned, the Government drafted a bill on restoration of the rights of persons deported on ethnic grounds. The bill sets out the procedure and conditions under which compensation is paid for confiscated buildings and other property. However, the President of Ukraine sent the bill back for further drafting in order to improve the final text and to bring it into line with the Constitution and other legislation.

Paragraph 429

95. There are 47,600 Roma living in Ukraine (0.1 per cent of the total population). Persons of Roma origin are settled throughout the country: a large number (14,000 or 1.1 per cent) reside in Zakarpatye province, namely in Uzhhorod, Berehove and Vynohradiv districts and in Uzhhorod and Mukachevo; 4,100, or 0.1 per cent, reside in Donetsk province; 4,000, or 0.1 per cent, in Dnipropetrovsk province; 4,000, or 0.2 per cent, in the Odesa province, 2,200 or, 0.1 per cent, in Luhansk province; and 2,300, or 0.1 per cent, in Kharkiv province. In other provinces and in Kyiv and Sevastopol, there are between 100 and 1,000 Roma.

96. Some 44.7 per cent of Roma regard their own language as their mother tongue, 21.1 per cent consider their mother tongue to be Ukrainian, and 13.4 per cent, Russian.

97. The democratization of society has opened up great possibilities and galvanized constructive forces in the Roma community. These forces can help to solve the problems facing the Roma. A certain degree of commitment to reviving their identity and recognizing their ethnicity may be seen among the Roma themselves.

98. There are currently 88 Roma voluntary associations registered with the Ukrainian judicial authorities. The main purpose of the work of the voluntary associations is to revive Roma identity, language, culture, traditions and customs.

99. The Ukrainian Roma Congress, an association of voluntary organizations, operates nationwide. Its chairman is Petr Dmitrievich Grigorichenko, a member of the Committee on Ethnic Policy attached to the office of the President of Ukraine, the Council of Representatives of Ethnic Minority Voluntary Associations attached to the State Committee on Ethnic and Religious Affairs and the Council of Europe working group on the Roma.

100. In keeping with the relevant government standards, the public authorities are taking steps to improve the education process in order to guarantee the educational rights of the Roma community in Ukraine. The network of Roma Sunday schools, which provide instruction in the Ukrainian and Roma languages, among other subjects, is being expanded.

101. A Roma child-care centre has been set up in Uzhhorod in Zakarpatye province with assistance from the International Renaissance Foundation. In Uzhhorod and Izmail (Odesa province), there are Roma Sunday schools in which children are taught Roma language and literature, Ukrainian, music and Roma handicrafts.

102. Uzhhorod school No. 14 provides classes for Roma children with an aptitude for sports (football, volleyball and basketball). In Uzhhorod, there are mini-football pitches and volleyball and basketball courts where tournaments and competitions with the participation of Roma children are held.

103. One of the priorities of the education and science offices of provincial administrations is to encourage as many Roma children as possible to attend general education establishments. For example, in the 2006-2007 academic year, 5,288 Roma pupils received instruction in the 127 schools of Zakarpatye province. The curricula of these schools include the study of Roma culture, customs and traditions, and new methods are being introduced for teaching Roma children, which take account of Roma traditions of upbringing and way of life. In addition, 384 Roma pupils attend school in Kharkiv province, 1,400 in Mykolayiv province, 235 in Sumy province and 32 in the Volyn province.

104. There is ongoing media coverage of the activities of Roma cultural associations that attract the attention of television and radio broadcasting departments of provincial government administrations, and of provincial and regional State television and radio companies. The

newspapers *Romani Yag*, *Pralipe* and *Pravovoe prosveshchenie romov Ukrainy* (Legal education of Ukrainian Roma) are published for the Roma in Ukraine. The Zakarpatye provincial State television and radio company is currently considering the introduction of Roma television and radio programmes.

105. According to information from the Ministry of Internal Affairs, the question of preventing any manifestations of intolerance or prejudice against persons of Roma origin by law enforcement officers is constantly monitored. Meetings with leaders of Roma voluntary organizations are held on a regular basis. An official investigation is conducted into all incidents involving treatment that violates the rights of the Roma, and the necessary action is taken.

106. The Ministry of Labour and Social Policy and the voluntary association Forumo Romen Ukrainy, have drafted a general plan of measures to find jobs for and retrain unemployed Roma and to provide them with support in developing small businesses. Regional and local employment centres carry out organizational and practical work; for example, business relations have been established with the vast majority of Roma voluntary associations in Ukraine, including the Roma association of Transcarpathian Gypsies, the Romen gypsy ethnic association in Donetsk province, the Kherson municipal Gypsy association, the Kharkiv municipal Gypsy association Lovari Foundation, the Vinnytsya voluntary association Roma Podillya, and Mykolayiv provincial Roma voluntary association Rom po Drom.

107. Regional and local employment centres, which work closely with the local authorities in the aforementioned areas, pay constant attention to the issue of providing social services to unemployed citizens of Roma origin.

108. Employment service workers and representatives of the relevant local authorities participate on an ongoing basis in investigating the financial circumstances and living conditions of large Roma families and monitoring employment among the Roma. It should be pointed out that a considerable number of the able-bodied Roma population surveyed are chiefly involved in managing their households and express no desire to take up formal employment (not a single person of Roma origin applied the employment centres in Ivano-Frankivsk, Kyiv, Luhansk, Lviv, Rivne, Sumy, Ternopil or Cherkasy provinces, or in Sevastopol), or are engaged in seasonal work outside the region in which they live, usually without a formal contract.

109. At present, the Roma employment problem remains as acute as ever for two main reasons: the Roma do not have the relevant documents and lack the necessary education.

110. One of the main activities of the State Committee on Ethnic and Religious Affairs is to create conditions conducive to meeting the cultural and educational needs of the Roma. In particular, public discussions on the social and spiritual revival of the Roma in Ukraine, various music festivals, cultural and artistic campaigns, exhibitions and other events are held under the auspices of the State Committee.

111. In the context of implementing the measures of the programme for the social and spiritual revival of the Roma in Ukraine for the period up to 2006, which was approved by the Cabinet of Ministers, the State Committee on Ethnic and Religious Affairs provided financial support (a

total of 300,000 hryvnias) over a two-year period for cultural and educational events held by Roma associations.

112. In a number of provinces, including Zakarpatye, Odesa, Dnipropetrovsk, Kirovohrad and Kyiv provinces, the local authorities have adopted regional programmes for the social and spiritual revival of the Roma.

113. Since 2004, Ukraine has been carrying out a project to protect the rights of the Roma in Ukraine and ensure their access to justice. The project is supported by the European Union and the International Renaissance Fund and coordinated by the European Roma Rights Centre in Budapest. In the context of the project, 15 Roma rights centres operate in the various regions of Ukraine, including Vinnytsya, Volyn, Donetsk, Cherkasy and Kherson provinces and Kyiv. In the past two years alone, some 1,000 Roma have turned to these centres for legal assistance.

Paragraph 430

114. Article 11 of the Constitution requires the State to promote the consolidation and development of the Ukrainian nation and of its historical consciousness, traditions and culture, and also the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and ethnic minorities in Ukraine.

115. Moreover, article 92, paragraph 3, of the Constitution stipulates that the rights of indigenous peoples and ethnic minorities are defined exclusively by Ukrainian legislation. Article 11 of the Ethnic Minorities in Ukraine Act specifies that Ukrainian citizens are entitled to choose freely and restore their ethnicity. In other words, the determination of ethnic origin is the private affair of each Ukrainian citizen. In accordance with international legal norms and Ukrainian legislation, each individual is given the right to ethnic self-identification. There are no laws or regulations containing an official list of ethnicities recognized in Ukraine.

116. Article 3 of the Council of Europe Framework Convention for the Protection of National Minorities guarantees every person belonging to a national minority the right freely to choose to be treated or not to be treated as such and that no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice. This does not include the right of the individual to choose at will to belong to an ethnic minority. An individual's subjective choice is inextricably linked to objective criteria relating to that person's identity. This means that a people comes into being as a result of a long historical process, and not pursuant to a decision taken by a government or local authority.

117. Ukraine has never objected to the existence in the Zakarpatye region of the ethnic community that calls itself "Ruthenians". Moreover, in terms of ethnogeny and the national identity, most Ukrainians consider the terms "Ruthenian" and "Ukrainian" to be synonymous. Ukrainian specialists in the field of history, ethnology and linguistics generally agree that the autochthonous Eastern Slavic population - the Ruthenians - is a subdivision of the Ukrainian ethnic group. Ruthenians are Ukrainians who form an ethnographic group living in the western territories of Ukraine, mainly in the Zakarpatye region, and who differ to some degree in terms of culture, traditions and customs.

118. The I.F. Kuras Institute of Political and Ethnic Research of the Ukrainian Academy of Sciences has studied all the ethnographic and linguistic characteristics of Ruthenians and has concluded that they are an organic and integral part of the Ukrainian nation; in other words, they are a subdivision of the Ukrainian ethnic group.

119. According to the legislation currently in force, there are five Ruthenian cultural associations in Zakarpatye province. The associations carry out cultural and educational activities with a view to preserving and developing the traditions, customs and ethnographic specificities of Ruthenian Ukrainians.

120. The process of building a new State and society should above all be based on the idea of unity, which would consolidate society and become the basis of its stability. It is clear that, in a multi-ethnic State like Ukraine, this idea should be embraced by all citizens, regardless of their ethnic affiliation.

121. Consolidation is the principal element of the stability of any nation and of the institutions established to ensure its existence.

122. Neither Ukrainian nor international law establishes a procedure for taking decisions on the recognition of ethnic groups, or on the affiliation or non-affiliation of certain categories of persons with any ethnic minority.

* *Translator's note:* The paragraphs refer to the report of the Committee on the Elimination of Racial Discrimination on the work of its sixty-eighth and sixty-ninth sessions (A/61/18).