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of all Forms of
Racial Discrimination**

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Addendum

Ukraine * **

[6 October 2005]

* This document contains the seventeenth and eighteenth periodic reports of Ukraine, due on 6 April 2004, submitted in one document. For the fifteenth and sixteenth periodic reports submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/384/Add.2 and CERD/C/SR.1482, 1483, 1491 and 1492.

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Kiev - 2005

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Introduction (General Country Information)

Ladies and Gentlemen,

1. **Ukraine is an independent** State located in Eastern Europe. It shares a border with Belarus to the north, with the Russian Federation to the north and east, with Poland and the Slovak Republic to the west, and with Hungary, Romania and Moldova to the southwest. Ukraine borders on the Black Sea and the Sea of Azov to the south.

Ukraine has a total area of 603,700 km². At its longest point from west to east it stretches 1,300 km, and from north to south 900 km. The total length of Ukraine's frontiers is 7,698 km, including 1,758 km of sea coast (the Black Sea coast accounts for 1,533 km of this figure and the Sea of Azov for 225 km).

2. **Population:** The total population is 48,457,000, with the following figures for the major cities: Kiev – 2.7 million, Kharkov – 1.6 million, Dnepropetrovsk – 1.2 million, Donetsk – 1.1 million and Odessa – 1.1 million. The average population density is 90 persons per km². The ethnic makeup is as follows: Ukrainians account for 77.8 per cent of the population, followed by Russians, Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians, Poles, Romanians, Jews, Armenians, Greeks, Tatars, Gypsies, Azerbaijanis, Georgians, Germans, Gagauzes and members of other smaller nationality groups.

3. **Languages:** Ukrainian (the official State language) and Russian; in addition, some 100 languages of various nationalities are spoken in Ukraine.

4. The new Constitution was adopted on 28 June 1996, under which Ukraine is constituted as a republic. It is comprised of the Autonomous Republic of Crimea and 24 administrative oblasts.

5. The Head of State is the **President**, who acts in the name of the State. He is elected by the citizens of Ukraine on the basis of universal equal and direct suffrage and by secret ballot to a 5-year term and for no more than two consecutive terms.

6. The sole legislative body is the parliament – the **Verkhovna Rada of Ukraine**.

7. The highest body within the executive branch of Government is the **Cabinet of Ministers**.

8. Sovereignty is vested in the **people**, who are the only source of power in the State.

9. Ukraine is the second-largest country in Europe in terms of area, after Russia. Its total area is 603,700 km² (for comparison, the area of France is 551,000 km², Germany covers 356,000 km², the United Kingdom 244,000 km², Italy 301,000 km² and Spain 505,000 km²).

10. Ukraine has a population of 48,457,000 (Germany has 78 million people, France 56 million, the United Kingdom 58 million, Italy 59 million and Spain 40 million).

11. Ukraine is a multiethnic State, evidence of which can be seen in the results of a nationwide census conducted in 2001. There are 37.5 million Ukrainians living within the country's borders (77.8 per cent of the total population) and 10.9 million representatives of more than 130 nationalities (accounting for 22.2 per cent of the population).

12. The census data are a valuable source for analyzing the development of ethnic and nationality processes, since they enable one to track the trends and dynamics of demographic, socio-economic and socio-cultural changes taking place in the country.

13. With 8.3 million people, Russians are the largest national minority, accounting for 17.3 per cent of the total population.

14. In addition to Russians, there are 16 larger ethnic minorities living in Ukraine today, with numbers ranging from 300,000 down to 100,000 people. These groups include Belarusians, with 275,800 people, Moldovans with 258,600, Bulgarians with 204,600, Hungarians with 156,600, Romanians with 151,000, Poles with 144,100, Jews with 103,600, Armenians with 99,900 and Greeks with 91,500. The 100 other nationality groups have numbers ranging from 50,000 people down to 300.

15. Representatives of the most numerous national minorities live in the following regions: the Autonomous Republic of Crimea, Vinnitsa, Volynsk, Donetsk, Zhitomir, Zakarpatye, Zaporozhye, Kirovograd, Lugan, Nikolayev, Odessa, Poltava, Kharkov, Kherson and Chernovtsy oblasts, and in the cities of Kiev and Sevastopol.

16. The way of life of one particular ethnic group or another is an integral indicator with its own specific characteristics, and it in turn is reflected in a range of indicators, such as size, native land, geographical dissemination, social-settlement

structure, language orientation, educational level, vocational skills, traditions, customs and faith. In other words, these are indicators that serve to describe the daily lives of one particular ethnic group or another under contemporary conditions.

17. It should be noted that the main factor in determining ethnicity is the concept of ethnic identity, that is, a person's recognition that he or she belongs to one particular ethnic group or another, which is based on a shared language, history, culture, way of life, management practices and so on.

18. A comprehensive statistical analysis of the census materials allows one to track the interconnection and dynamics of social and ethnic indicators and to study the socio-cultural environment of the development of a particular ethnic group.

19. The current trends of ethnicity and nationality in Ukrainian society are characterized by growth in ethnic self-awareness among representatives of the country's various ethnic groups and their desire to preserve their identity.

Section 1. Political and Legal Aspect

20. In the challenging environment of its transition from a totalitarian system to building a democratic State, with a shift in its political orientations and values and economic and social relations and the creation of a qualitatively new model for coexistence between the titular Ukrainian nation and representatives of the diverse ethnic groups that have lived in Ukraine since time immemorial, Ukraine is moving steadily forward to reinforce a trait of the Ukrainian people's mentality that has existed for centuries, that of ethnic tolerance.

21. It should be noted that Ukraine is by no means the only country in the post-Soviet area that has managed to maintain peace and harmony among nationalities by preventing inter-ethnic conflicts and misunderstandings.

22. There are not many countries in the world where, as in Ukraine, one can find 11 million people from various ethnic groups with different spiritual needs living together, with such a degree of integration into the common society. That is why the State is devoting special attention to eliminating all forms of racial discrimination and to devising a carefully considered ethnic and nationality development policy that is consistent with international standards.

23. The mechanism for realizing the rights and freedoms of national minorities in Ukraine is based on a system of:

- national legislation, which enshrines the constitutional and legal status of national minorities;

- international legal documents to which Ukraine is a State Party;
- legal acts of the Cabinet of Ministers and central and local government bodies, which are intended to promote the development of the distinctive ethnic, linguistic and cultural identities of national minorities.

24. A solid political and legal foundation has now been laid in Ukraine to promote the rights of national minorities. The Declaration on the State Sovereignty of Ukraine, Ukraine's Declaration of Independence, the Declaration on the Rights of Nationalities, the National Minorities Act, the Ukrainian Constitution and the Local Self-Government Act served as the legal basis for the development of State ethnic policy. A number of legal principles and procedures protecting the interests of national minorities are set forth in the Citizenship Act, the Citizens' Associations Act, the Freedom of Conscience and Religious Organizations Act, the Education Act, the Languages Act, the Print Media (Press) Act and the Principles of Ukrainian Cultural Legislation, among other documents.

25. One of the most important legislative acts pertaining to promotion of the rights and freedoms of national minorities is the National Minorities Act, which was adopted on 25 June 1992.

26. The Act has been praised by international experts not only as democratic, but also as one that could serve as a model for the world community in the drafting of similar regulatory acts.

27. The drafting and adoption of the Act right at the time that the independent Ukrainian State was being established was a challenging and ambitious task. This task was carried out through the efforts of leading public officials, political figures, people's deputies and scholars.

28. Since the adoption of the National Minorities Act, a network of structural units dealing with nationality and migration affairs has been established and is now functioning as part of the oblast and Kiev and Sevastopol city government administrations.

29. Pursuant to the provisions of the Act, the State has adopted a number of sublegal acts, including a Conceptual Framework for the development of national minority cultures, a State Programme for the revival and development of education among ethnic communities in Ukraine and a comprehensive Ukrainian language programme.

30. In establishing the regulatory legal framework for nationality relations, the Ukrainian State has taken into account the provisions of the principal international

acts. Specifically, Ukraine signed the Framework Convention for the Protection of National Minorities on 15 September 1995, and on 9 December 1997 the Verkhovna Rada passed an act on its ratification. In accordance with article 9 of the Ukrainian Constitution, the Framework Convention is a permanent part of the national legislation.

31. The next step toward the introduction of international standards in promoting the rights of national minorities was the ratification on 15 May 2003 of the European Charter for Regional or Minority Languages, which was signed on behalf of Ukraine on 2 May 1996.

32. Protection for the rights and freedoms of national minorities and cooperation in this sphere through the conclusion of international treaties is also enshrined in Ukrainian law.

33. The Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation and the Treaty on Good Neighbour Relations and Cooperation between Ukraine and Romania are examples of this.

34. Efforts undertaken by intergovernmental bilateral Ukrainian-German, Ukrainian-Hungarian, Ukrainian-Romanian and Ukrainian-Slovak commissions on promoting the rights of national minorities are aimed at responding promptly to the most pressing problems of national minorities.

35. A system of State bodies responsible for promoting human rights, which include the rights of national minorities, has been established and is operating in Ukraine. These bodies include, first and foremost, the Human Rights Commissioner of the Verkhovna Rada and the Verkhovna Rada Committee on Human Rights, the Rights of National Minorities and Inter-Ethnic Relations.

36. The Ukrainian State Committee on Nationalities and Migration is the central government body that is responsible for implementing State policy in the area of inter-ethnic relations and promoting the rights of national minorities, and for general administrative activities in this sphere, as well as inter-agency coordination and functional regulation (Presidential Decree No. 836, dated 13 September 2001).

37. The State Committee on Nationalities and Migration (the Committee) also deals with problems associated with the return of Crimean Tatars and other ethnic groups previously deported for reasons of nationality, as well as migration and refugee issues. In accordance with the tasks assigned to it, the Committee develops and implements measures aimed above all at eliminating the conditions that give rise to inter-ethnic conflicts, it participates in the drafting and implementation of State policy pertaining to inter-ethnic relations, it prepares drafts

of the relevant acts and other regulatory documents and it regularly analyzes the state of the socio-economic, demographic and cultural life of national minorities, among other things. The activities of the Committee are aimed at fostering an atmosphere of tolerance, mutual understanding and harmony in relations among ethnic communities and representatives of various nationalities in Ukraine.

38. The Committee defines the main thrust of its activities as the performance and development of the rights protection function, as well as further enhancement of the existing regulatory and legal framework, taking into account international norms and standards.

39. **Consultative bodies** comprised of representatives of national minorities, which are in place in practically all of the oblast administrations, are assigned an important role in developing the democratic foundations of Ukrainian society and promoting inter-ethnic harmony in Ukraine.

40. Following Ukraine's Declaration of Independence (24 August 1991), the Declaration on the Rights of Nationalities was adopted (1 November 1991), which clearly indicated the State's intent to work to promote harmony in inter-ethnic relations in the country and the cultural development of all national minorities. The Declaration provided for equal political, economic, social and cultural rights for representatives of all nationality groups, and it stressed that discrimination based on nationality is prohibited and punishable by law.

41. In addition to the National Minorities Act, priorities for the implementation of State policy in the sphere of nationality relations are also determined by the Conceptual Framework for the development of national minority cultures, which was approved by the Cabinet of Ministers and focuses attention primarily on the need to revive the customs and traditions of Ukraine's national minorities, to promote the all-round development of their arts at both the amateur and professional levels and to foster the conditions for the training of a creative intelligentsia.

42. The principle of equal rights and freedoms for citizens, irrespective of their ethnic background, race, religion, language or other characteristics, forms the basis of the strategy underpinning the State ethnic and nationality policy of Ukraine, as a country whose residents include representatives of more than 130 nationalities.

43. In the process of building a democratic State and developing civil society in Ukraine, issues involving the regulation and harmonization of nationality relations are particularly pressing.

44. The Ukrainian State guarantees all peoples, nationality groups and citizens residing within its borders equal political, economic, social and cultural rights.

45. Article 24 of the Ukrainian Constitution states that there shall be no privileges or restrictions based on race, skin colour, political, religious or other beliefs, sex, ethnic or social origin, place of residence, linguistic or other characteristics.

46. Article 37 of the Ukrainian Constitution prohibits the establishment and activity of political parties and voluntary organizations whose stated aims or activities are calculated to preach war or violence, to incite racial, inter-ethnic or religious hatred, or to violate human rights and freedoms.

47. Article 3 (paragraph 2) of the Local Self-Government Act states that any restrictions on the rights of Ukrainian citizens to participate in local self-government based on their race, skin colour, political, religious or other beliefs, length of residence within the given area, or language or other characteristics shall be prohibited.

48. Article 4 of the Citizens' Associations Act states that citizens' associations whose aim is to preach war, violence or cruelty, fascism or neo-fascism, to incite national or religious hatred or to restrict generally recognized human rights, shall not be subject to legal registration, and the activities of such associations that have been legally registered shall be prohibited through legal proceedings.

49. A similar provision is contained in article 66 of the Criminal Code, which makes it a criminal offence to incite inter-ethnic hatred, to demean national honour and dignity, and to restrict rights on the basis of a person's ethnicity.

50. Article 3 of the Print Media (Press) Act prohibits the use of print media with the aim of inciting racial, national or religious hatred.

51. The current legislation of Ukraine provides sufficient guarantees of equal rights for all citizens and preservation of the identity and distinctive cultural traits of national minorities. The rapid development of inter-ethnic processes and the growing level of activity among representatives of ethnic communities, as well as their desire to participate more broadly in these processes, mean that mechanisms for the implementation and development of the legal principles of State ethnic and nationality policy need to be enhanced, however.

52. The Ukrainian Government is devoting a great deal of attention to bringing national legislation on human rights, national minorities and inter-ethnic relations into conformity with European and global standards.

53. The necessary measures are being undertaken to restore the rights of members of national minorities who were previously deported for reasons of nationality and are now being repatriated, including Crimean Tatars; provisions have been made to cover the moving costs of these persons; and issues concerning the citizenship of repatriated persons who are members of national minorities are being addressed, in addition to the question of providing for instruction in their native language.

54. The Council of Representatives of the Crimean Tatar People and the Council of Representatives of National Minority Voluntary Associations, which report to the President of Ukraine and whose membership is changed periodically, play an important role in the drafting and coordination of State policy pertaining to the development of ethnic and nationality groups, reinforcement of the democratic principles of society and the promotion of inter-ethnic harmony. They also have their own consultative body that reports to the State Committee on Nationalities and Migration: the Council of Representatives of All-Ukrainian National Minority Voluntary Associations. It was established in accordance with article 5 of the National Minorities Act with the aim of providing for more effective cooperation between voluntary national minority associations and central and local government bodies. Issues that pertain to promoting the rights of national minorities are discussed at meetings of the Council, to which leading scholars, cultural figures, politicians and representatives of central government bodies are invited. The Council under the State Committee on Nationalities and Migration promotes the activities of voluntary associations, it involves them in the implementation of nationwide cultural measures and it participates in the preparation of various regional programmes and the publication of teaching materials for general education schools where instruction is conducted in the languages of national minorities.

55. The State Committee on Nationalities and Migration is constantly monitoring the situation involving the implementation of provisions of the current national legislation and Ukraine's international legal obligations, and it also initiates, within the scope of its authority, the submission of amendments and the drafting of new bills pertaining to realization of the rights of national minorities and the regulation of relations among nationalities in our State.

56. In accordance with an instruction from the Cabinet of Ministers, bills concerning amendments and additions to the National Minorities Act and the Conceptual Framework for state ethnic and nationality policy have been prepared with the participation of central government bodies and voluntary national minority associations, and they have been submitted again for approval to the interested ministries and departments. The bill on amendments and additions to the National

Minorities Act was given a positive appraisal by experts at a meeting of a Council of Europe working group (11-13 January 2004, in Strasbourg, France), who said that it takes into account the requirements of international standards for protecting the rights of national minorities.

57. Pursuant to initiatives by national minority voluntary associations, article 3 of the aforementioned bill states that “Any direct or indirect restriction of the rights and freedoms of citizens on the grounds of nationality or race, as well as actions calculated to incite inter-ethnic, racial or religious strife are prohibited and punishable by law.”

58. Ukraine has ratified the European Charter for Regional or Minority Languages. Its provisions apply to the languages of 13 national minorities in Ukraine: Belarusian, Bulgarian, Hungarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldovan, German, Polish, Russian, Romanian and Slovak.

59. The Committee has initiated amendments to the European Charter for Regional or Minority Languages Ratification Act. It has proposed that its provisions be applied to the languages of another four national minorities: Karaim and Krymchak, which are on the brink of extinction, and Armenian and Roma, which are in need of State support.

60. Practical experience has shown that **targeted State programmes and measures in specific areas**, which are being developed and coordinated by the Committee, are effective mechanisms that help foster the conditions for and encourage the revival of ethnic identity.

61. Among other things, the following activities are currently being carried out: a Programme for the social and spiritual revival of Roma in Ukraine up to 2006, measures to provide state support for preservation of the cultural heritage of Crimean Karaims and Krymchaks up to 2005 and measures to preserve and develop the culture and way of life of the Hutsul, Boyko and Lemko peoples as distinctive ethnographic groups of Ukrainians.

62. The Committee also prepared a Programme for the spiritual development of Roma up to 2006. As part of the Programme, the Verkhovna Rada Committee on the Protection of Human Rights and Inter-Ethnic Relations, with the participation of the State Committee on Nationalities and Migration, held hearings on 12 April 2005 on meeting the social, cultural and educational needs of the Roma people in Ukraine.

63. With a view to complying with the provisions of the European Charter, a separate programme has been introduced to provide State financial support for measures aimed at carrying out the Charter’s provisions. Among other things,

funding from the State Budget in the amount of approximately 1 million hryvnias was earmarked for the State Committee on Nationalities and Migration for 2005 in accordance with this programme.

64. As part of efforts to comply with the provisions of the European Charter for Regional or Minority Languages, on 21 October 2004 the Ukrainian Ministry of Justice registered the Model Regulation on national minority cultural-education centres (Sunday schools), which was prepared by the Ukrainian Ministry of Education and Science and the State Committee on Nationalities and Migration.

65. Within the scope of its authority, the Committee is carrying out organizational and practical measures aimed at promoting universal stability and harmony, preserving peace among ethnic groups and preventing any manifestations of intolerance or prejudice based on ethnic background.

66. The approval of a package of documents concerning the establishment of a Nationalities Day in Ukraine, which would be observed annually on 1 November to mark the adoption of the Declaration on the Rights of Nationalities (1991), is nearing completion. A draft Presidential Decree has also been prepared regarding Holocaust Day in Ukraine, in memory of the victims of ethnic genocide during the Second World War when tens of thousands of innocent people were killed, primarily Jews and Roma (Gypsies), along with members of other nationalities. The first nationwide competition for the best knowledge of the official State language and the languages of national minorities was held in September 2004.

67. Drawing on the work done by voluntary associations of national minorities and local offices of the State Committee on Nationalities and Migration, a collection entitled *Inter-Ethnic Relations in Ukraine: Status, Trends, Outlook* has been published. A system for keeping the public regularly informed about the Committee's activities has been set up through a website.

68. The Government approved and is successfully carrying out Measures for the comprehensive development of national minority cultures in Ukraine up to 2005, as well as measures to provide State support for preservation of the cultural heritage of the Crimean Karaims and Krymchaks up to 2005.

69. In accordance with article 38 of the Ukrainian Constitution and article 9 of the National Minorities Act, all citizens of Ukraine, regardless of race or nationality, have the right to participate in the conduct of public affairs and freely to elect or be elected to central and local government bodies.

70. In accordance with article 4 of the International Convention on the Elimination of all Forms of Racial Discrimination, the Declaration on the Rights of

Nationalities in Ukraine and other legislative acts, discrimination on the basis of nationality is prohibited in Ukraine (Declaration, art. 1).

71. Representatives of peoples and nationality groups are elected on an equal basis to government bodies at all levels and they may hold any positions in government bodies, at enterprises, and in voluntary associations (Declaration on the Rights of Nationalities, art. 1).

72. Representatives of the Crimean Tatar, Russian, Greek, Hungarian, Armenian and Jewish nationalities have been elected as people's deputies to the Verkhovna Rada, among other things. In areas with a high percentage of national minorities, such as Chernovtsy oblast, 18 of the 104 deputies serving on the oblast council are of Romanian descent. Of the 1,107 deputies on the oblast, city and district councils in Zakarpatye, 134 are of Hungarian descent, 10 are of Romanian descent, 4 are German, 3 are Roma, 6 are Russian and 1 is Slovak.

73. The Ukrainian Citizens' Associations Act (art. 4) provides that the activities and establishment of voluntary associations shall be restricted in the event that they incite national or religious intolerance or if the voluntary associations infringe on generally recognized human rights.

74. In the event that actions referred to under said article are committed, the citizens' association that engaged in such actions shall be forcibly disbanded by order of a court.

75. The Ukrainian Constitution prohibits the activity of political parties and voluntary organizations whose stated aims or activities are calculated to incite inter-ethnic, racial or religious hatred (art. 37).

76. Article 3 of the Ukrainian Print Media (Press) Act prohibits the use of print media for the purpose of inciting racial, national or religious hatred.

77. A great deal of attention is being given to the integration into Ukrainian society of Crimean Tatars and persons of other nationalities who were previously deported for reasons of nationality. In 2002 the Cabinet of Ministers approved a Programme for the adaptation and integration into Ukrainian society of deported Crimean Tatars and persons of other nationalities and for their cultural revival and development, in addition to a Programme to promote the social development and adaptation of Crimean Tatar youth, both of which are now being implemented. These programmes call for the establishment of a multi-ethnic cultural centre, the publication of educational literature for former deportees, assistance to the Gasprinsky Republican Crimean Tatar Library and to the Crimean Ethnographic Museum, as well as other measures.

78. Against the backdrop of the positive changes, however, one must also mention a number of negative aspects. Specifically, although the main trends in the ethnic-political sphere are characterized by stability in inter-ethnic relations, a virtual absence of national intolerance and discrimination and attempts to incite inter-ethnic strife, and a fairly high level of mutual understanding among various ethnic groups, it must be noted that issues involving the effective inter-ethnic coordination of nongovernmental organizations have still not been addressed, and not enough attention is being given to raising the level of legal awareness among members of national cultural societies and to establishing authors' collectives to prepare the textbooks and dictionaries needed to study native languages, as well as the traditions and customs of representatives of various nationalities.

79. There are complaints regarding a shortage of instructional materials and teaching staff for national schools serving ethnic minorities and a lack of fiction, non-fiction, scientific literature and periodicals published in native languages.

80. There is no doubt that it is damaging to Ukraine's image to have even isolated, but all the same inaccurate reports in the press that contain prejudicial statements regarding various aspects of inter-ethnic relations and the lives of national minorities in Ukraine.

81. In accordance with article 5 of the International Convention on the Elimination of all Forms of Racial Discrimination and the Ukrainian Constitution (art. 24), all of the country's citizens have equal constitutional rights and freedoms and are equal before the law. Aliens and stateless persons who are in Ukraine legally enjoy the same rights and freedoms and also have the same responsibilities as Ukrainian citizens, except as provided under the Constitution and laws of Ukraine and international treaties that have been recognized as binding by the Supreme Council of Ukraine.

82. Thus, in accordance with the principal commitments set forth in the Convention, racial discrimination in all its forms has been eliminated in Ukraine and the equality of every person before the law has been secured, without distinction based on race, skin colour or national or ethnic origin, particularly with regard to exercising the following rights:

- the right to equal treatment in courts and all other bodies responsible for the administration of justice;

- the right to personal security and protection by the State from violence or bodily injury inflicted both by government officials and by any individual persons, groups or institutions;

- political rights, and specifically the right to participate in elections – to vote and run as a candidate – on the basis of universal and equal suffrage, the right to

participate in the governing of the country and in the conduct of public affairs at any level, as well as equal right of access to public service;

- freedom of movement and free choice of place of residence within the country's borders;

- the right to leave any country, including one's own, and to return to one's country;

- the right to citizenship;

- the right to marry and to choose one's spouse;

- the right to own property, both individually and jointly with others;

- the right of inheritance;

- the right to freedom of thought, conscience and religion;

- the right to freedom of belief and to the free expression thereof;

- the right to freedom of peaceful association;

- the right to work, free choice of one's occupation, fair and favourable working conditions, protection against unemployment, equal pay for equal work, fair and satisfactory remuneration;

- the right to establish and join trade unions;

- the right to housing;

- the right to education and vocational training;

- the right to equal participation in cultural life;

- the right of access to any site or any type of service intended for public use, for example, transportation, hotels, restaurants, cafes, theatres and parks.

83. Observance of these rights and freedoms at the State level confirms that all forms of discrimination based on race and nationality have been eliminated in Ukraine.

84. Representatives of the Roma national minority are not always in agreement with this fact. From time to time and at various levels, Roma raise the issue that the rights of members of their ethnic group are not respected, and specifically that they are not always able to exercise their right to education and health protection and their right to vote and be elected, among other things.

85. In this context, issues related to the status of Roma in Ukraine need to be discussed.

86. According to the 2001 census data, there are 47,600 Roma living in Ukraine, accounting for 0.1 per cent of the country's total population. The Congress of Ukrainian Roma Confederation of Voluntary Associations, which was established in June 2002 at a nationwide congress of Roma national cultural societies, is engaged in constructive cooperation, with the assistance of the State Committee on Nationalities and Migration, other central government bodies and international organizations, to address problems involving the adaptation and

integration of Roma into social processes and meeting their educational-linguistic and information needs. A total of 88 Roma national cultural societies have now been established in Ukraine, whose main purpose is the revival of the native language, culture, traditions and customs.

87. In our view, greater initiative is needed in this regard from representatives of the Roma communities. One frequently encounters glaring examples of failure by Roma themselves to observe elementary rules of behaviour, as well as violations of the laws of society, that is, coexistence with other people. In most cases this is due to a lack of legal sophistication. People are not aware of their own rights and surprisingly, they do not even try to find out what they are. It is not at all rare to find parents in Roma families who do not think it is necessary for their children to have annual medical examinations, to comply with vaccination schedules and so on. Parents also do not seek to provide their children with an education, even primary education. Roma often lack personal identification documents, however this does not indicate discrimination against them, but rather their failure to comply with elementary rules of social behaviour and civic responsibilities. People simply do not think it is necessary to obtain a passport, to register a marriage through official channels or to obtain a birth certificate for a child. The lack of such documents deprives these people of the opportunity to take advantage of benefits offered by the State (disability and unemployment benefits, financial assistance for children, etc.). This sort of behaviour creates a situation in which both adults and children from Roma families start out with a lower social status than members of other ethnic groups, it is more difficult for them to find jobs and these jobs are frequently low-paying, since the employee does not have a general secondary or specialized education. Thus, there is virtually no basis in fact for complaints about violations of Roma civil rights.

88. The State's policy is aimed at constructive dialogue with Roma communities, on the basis of which there is an opportunity to address urgent issues and resolve painful problems. A great deal also depends on internal consolidation within Roma communities. Over recent years several national cultural societies have taken it upon themselves to develop a basic Roma grammar and Ukrainian-Roma phrasebook, however these undertakings have not been brought to their logical conclusion. One must admit that there are still untapped reserves for resolving these issues.

89. The State Committee on Nationalities and Migration is also receiving reports that funds allocated by various international organizations and intended for the social and spiritual revival of Roma in Ukraine are not being used for their designated purpose.

90. By pooling the funds that are being allocated from the Ukrainian State Budget, local budgets and international foundations, we intend in the near future to set up the appropriate working groups to conduct scientific research, to prepare new curricula and textbooks, to publish fiction and other literature and to support the operation of mass media in the Roma language, primarily in those regions with a high concentration of Roma population.

91. There is a process under way in Ukraine today in which the efforts of representatives of the legislative and executive branches of Government and voluntary associations are being brought together to achieve a real improvement in the social, economic and spiritual lives of Roma in Ukraine.

92. The educational level among the Roma national minority today remains the lowest in Ukraine. Government agencies are taking measures to help schools where Roma children are enrolled to be in a better position to meet State standards in this area. The curricula at these schools include the study of Roma history and customs, and teaching methods are being introduced for Roma children that take into account the traditions and way of life of Roma. In connection with the low income level of the pupils, the State is providing the schools with special benefits, including free meals.

93. The network of Roma Sunday schools, which provide instruction in the Ukrainian and Roma languages, among other subjects, is expanding. There are plans to hold roundtables on issues related to meeting the educational needs of Roma in Ukraine, with the participation of members of the teaching community. Lectures for teachers on various topics covering the history, traditions and customs of the Roma people are planned for continuing education courses offered at oblast institutes for post-graduate teacher training.

Section 2. Promotion and Realization of National Minority Rights in Ukraine

94. The 15 national minorities with the largest numbers in Ukraine are Russians (8.3 million), Belarusians (275,800), Moldovans (258,600), Crimean Tatars (248,200), Bulgarians (204,600), Hungarians (156,600), Romanians (151,000), Poles (144,100), Jews (103,600), Armenians (99,900), Greeks (91,500), Gypsies (47,600), Azerbaijanis (45,200), Germans (33,300) and Gagauzes (31,900).

95. More than a thousand national cultural societies have been established and are in operation today, and 35 of these are nationwide organizations. National cultural societies are a form of self-organization that can help national minorities

resolve issues related to the preservation and development of their distinctive ethnic identity.

96. The majority of voluntary associations in Ukraine participate actively in State-building processes and contribute to active inter-ethnic consolidation.

97. Promoting the rights of national minorities at the State level and fostering the appropriate conditions for the free development of the distinctive ethnic, linguistic and cultural identities of Ukraine's national minorities are top priorities in the field of inter-ethnic relations.

98. Voluntary associations are carrying out various cultural and educational events with State support, and they have met with a broad response both within Ukraine and beyond its borders. These events include the nationwide festival "We Are Ukrainian" (Zaporozhye), the "Shalom, Ukraine!" Jewish arts festival (Kiev), inter-ethnic cultural festivals (in the cities of Nikolayev and Kamenets-Podolsky), "Melodies of the Saltwater Seas" (Zakarpatskye), the "Folklorama" festival of national minority cultures of the Kiev region, Romanian culture days (in the city of Chernovtsy) and oblast Hungarian, Polish, Korean, Moldovan and Greek cultural festivals.

99. The operation of a summer camp in Ukraine to teach teenagers tolerance, where representatives of more than 20 nationalities gather every year for summer holidays, may be cited as a positive phenomenon in the life of national minorities. This effort was initiated by the Congress of National Communities of Ukraine and the Association of Jewish Organizations and Communities of Ukraine.

100. The preservation and development of national minority cultures are viewed by our State as an important component of nationwide cultural development and are governed by the Ukrainian Constitution, the Principles of Cultural Legislation and the Conceptual Framework for the development of national minority cultures.

101. There are 85 cultural centres, houses of folk arts and folklore and ethnography centres and 8,967 national amateur groups operating with State support.

102. Seven newspapers in national minority languages are published with State financial support, including Polish, Bulgarian, Romanian, Armenian, Jewish (Hebrew and Yiddish) and Crimean Tatar. In accordance with a resolution issued by the Verkhovna Rada and pursuant to an order of the Ukrainian Cabinet of Ministers, in 2004 the State Committee on Nationalities and Migration acquired the status of a co-founder of these newspapers.

103. Language is one of the most important attributes of every nationality and people. Data on the native languages of the country's citizens allow one to study the dissemination of individual languages, and at the same time they provide essential materials for the practical resolution of issues involving the further development and improvement of the educational system, publishing and radio and television broadcasting.

104. More than 85 per cent of the country's residents named the language of their nationality as their native language in the 2001 census. This indicator was dominant in all of the regions of Ukraine.

105. The census showed that a population's preservation of its native language depends in the majority of cases on the nature of the population's distribution (concentrated or dispersed) and the place of residence (urban or rural).

106. The ethnic groups that have by and large retained the language of their nationality as their native language are the Hungarians (95.4 per cent), the Crimean Tatars (92.0 per cent), the Romanians (91.7 per cent), the Gagauzes (71.5 per cent), the Moldovans (70.0 per cent) and the Bulgarians (64.1 per cent), that is, representatives of those nationalities who live among the Ukrainian population in large independent groups, although there has been a slight decline in this indicator among these groups (with the exception of the Romanians) compared to the 1989 figures (the year that the previous census was conducted).

107. Most persons belonging to national minorities who are dispersed around the country in small groups or in individual families identify their native language as a language of another nationality. The smallest percentage of people who named the language of their nationality as their native language was seen among Jews (3.1 per cent), Greeks (6.4 per cent), Germans (12.2 per cent), Poles (12.9 per cent), Belarusians (19.8 per cent), Tatars (35.1 per cent) and Georgians (36.7 per cent).

108. Mention should be made of the important cultural and educational work that is being done by national cultural societies in Ukraine. The main goals and objectives of their work have been formulated and leaders have been identified. They have developed internal solidarity and unity, and they have established contacts to cooperate with government bodies. Advisory and consultative bodies, called councils, have been established in almost every region, and this has enabled them to have greater influence over the adoption of effective decisions that relate to meeting the ethnic, cultural and information needs of members of various ethnic groups.

109. The selfless volunteer work by the leaders of national cultural societies is valued and recognized by top government honours, including orders and medals, and the awarding of the honorary title of “Distinguished Cultural Figure of Ukraine.” In addition, in 2003–2004 some 200 representatives of national cultural societies from various regions of Ukraine were awarded Certificates of Honour and the banner of the State Committee on Nationalities and Migration.

110. We would like to discuss in greater detail the situation of representatives of the largest national minority groups in Ukraine.

111. **Russians.** According to data from the 2001 census, Russians account for the largest ethnic group in Ukraine after Ukrainians (17.3 per cent of the country’s population). Russians are dispersed throughout all of Ukraine’s regions. Pursuant to the Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation, and in accordance with the legislation in force, the appropriate conditions are being fostered to meet the cultural, linguistic, educational and information needs of Russians.

112. There are 95 voluntary organizations and associations representing the ethnic cultural interests of Russians in Ukraine, and 4 of these have the status of nationwide organizations. The leaders of two of them are members of the Council of Representatives of National Minority Voluntary Associations under the President of Ukraine. Russian cultural organizations in Ukraine are engaged in important cultural and educational work. Every year they hold nationwide conferences, roundtables and workshops.

113. Ethnic Russians have extensive opportunities in Ukraine to meet their cultural and educational needs in their native language. The free exchange of information through the mass media, radio, television and joint cultural activities facilitates this process. A total of 31 higher education establishments in Ukraine offer training for Russian language and literature teachers. Approximately 40 per cent of all publications published each year in Ukraine are in Russian, with a view to meeting the information needs of the Russian population. There is a vast network of libraries to meet the literature needs of national minorities in Ukraine in general. Russian television programmes are broadcast in Ukraine. Programmes and films in Russian fill almost two-thirds of the air time on Ukrainian television. There are State theatres in the Autonomous Republic of Crimea and in oblast centres which stage performances in Russian. There are also many amateur Russian-language studio theatres, children’s puppet theatres and the like. The leaders of all of the nationwide Russian voluntary associations are members of the Council of Representatives of National Minority Voluntary Associations under the State Committee on Nationalities and Migration.

114. **Belarusians.** According to data from the 2001 census, there are 275,800 Belarusians living in Ukraine, which represents 0.6 per cent of the country's total population.

115. This is the third-largest national minority in the country. Belarusians are scattered widely throughout Ukraine and can be found in all of the country's oblasts. Some 20 per cent of Belarusians living in Ukraine consider Belarusian to be their native language. According to data from a survey of the Belarusian population conducted by researchers from the Sociology Institute of the Ukrainian Academy of Sciences, 30 per cent of the respondents said that they believed it was necessary to teach their children the Belarusian language.

116. Belarusian national cultural societies are distinguished by energetic efforts to revive their culture and the customs and traditions of their people. The Union of Belarusians, which is a nationwide organization, was established in 1997. The chairman of the All-Ukrainian Union of Belarusians is a member of the Council of Representatives of National Minority Voluntary Associations under the President of Ukraine and of the Council of Representatives of All-Ukrainian National Minority Voluntary Associations under the State Committee on Nationalities and Migration. The Union of Belarusians works in close cooperation with and with the support of the Embassy of the Republic of Belarus in Ukraine.

117. **Moldovans.** According to data from the 2001 census, there are 258,600 Moldovans living in Ukraine, which represents 0.5 per cent of the country's total population.

118. A total of 10 national cultural societies have been established to cater for the ethnic cultural needs of Moldovans in Ukraine. With a view to providing Moldovan children with instruction in their native language, there are nine general education schools operating in Ukraine at which Moldovan is the language of instruction. There is one pedagogical institute and one pedagogical training college that train teachers for educational establishments at which Moldovan is the language of instruction. The local government in Odessa oblast, which has the largest concentration of Moldovans, provided support to help resolve the problem of allowing of Moldovan-language school graduates seeking admission to higher educational establishments in Odessa to take entrance examinations in their native language.

119. There are more than 30 clubs of various kinds operating in Odessa oblast that cater for the cultural needs of the Moldovan national minority: there are choirs, dance clubs and music clubs. The Odessa oblast television and radio company broadcasts television and radio programmes in Moldovan.

120. The Moldovan National Cultural Association is a nationwide organization. The president of the Association is a member of the Council of Representatives of National Minority Voluntary Associations under the President of Ukraine and serves as deputy chairman of the Council of Representatives of All-Ukrainian National Minority Voluntary Associations under the State Committee on Nationalities and Migration. The Association's main purpose is to cater and ensure legislative protection for the social, economic, national cultural and creative interests of the Association's members, to consolidate the efforts of Moldovan national organizations to cater for the ethnic cultural needs of Ukrainian citizens of Moldovan descent, to preserve the national identity and foster national self-awareness among Ukrainian Moldovans, to maintain inter-ethnic peace and harmony and to strengthen ties of friendship between Ukraine and the Republic of Moldova.

121. **Crimean Tatars.** According to data from the 2001 census, there are 248,200 Crimean Tatars living in Ukraine. Their numbers are growing every year, however, as Crimean Tatars deported in 1944 for reasons of nationality continue to return to their homeland. The majority of Crimean Tatars live within the Autonomous Republic of Crimea. Some 93 per cent of Crimean Tatars speak their national language.

122. The Ukrainian Government has adopted a Programme for the settlement and installation of deported Crimean Tatars and persons of other nationalities who have returned to the Autonomous Republic of Crimea as permanent residents, with a view to addressing socio-economic and cultural and education problems related to the return of deported Crimean Tatars to their historical homeland. The main objectives of the Programme are: to provide repatriates with housing and public utilities, to expand the network of educational establishments and medical facilities and to provide financing for national cultural measures that cater for the social and cultural needs of the repatriates.

123. The Government has adopted a Programme for the adaptation and integration of deported Crimean Tatars into Ukrainian society and for the revival and development of their culture and education, which provides for the publication of textbooks and other educational literature in the Crimean Tatar language and assistance to the Gasprinsky Republican Crimean Tatar Library, the Crimean Ethnographic Museum and republican cultural and ethnographic centres for the development of fine arts and the theatre.

124. The Crimean State Engineering Pedagogical University and Taurida National University, which have Crimean language and literature departments, produce qualified personnel of Crimean Tatar descent. Simferopol Pedagogical Institute trains teachers for schools where Crimean Tatar is the language of

instruction. There are two newspapers that are published in the Crimean Tatar language and television programming is broadcast in the Crimean Tatar language.

125. Since the adaptation and integration of the repatriates is a continuing process and, in spite of gains that have been made in this area, there are still a number of unresolved issues today, the Government is planning a State Programme for the revival and development of the culture of the Crimean Tatar people up to 2010.

126. Crimean Tatars are represented by three deputies in the Verkhovna Rada and by eight deputies in the Supreme Council of the Autonomous Republic of Crimea. A total of 992 representatives of Crimean Tatars have been elected to serve as deputies on local councils in the Autonomous Republic of Crimea.

127. The Council of Representatives of the Crimean Tatar People, which reports to the President of Ukraine, was established as a consultative-advisory body by a Presidential Decree.

Section 3. The Right of National Minorities to Education

128. We would like to address the following issues with regard to realization of the education rights of national minorities.

129. Promoting a person's right to education is one of the most important obligations of a State. Since gaining independence, Ukraine has carried out a number of measures at the State level which have had a significant impact on the status of the educational system and its further development.

130. In today's world education is becoming an increasingly important part of social progress. Ukrainian law identifies education as a top priority for society's socio-economic, spiritual and cultural development. Work is continuing now on further development of the regulatory and legal framework governing relations in the educational sphere. The Constitution and laws of Ukraine and international legal documents, which have become part of the national legislation, guarantee citizens who are members of various nationalities the right to education.

131. Realizing the right to development and ethnic identity enshrined in the laws in force, national minorities, with the support of the State, are satisfying their educational needs, they are reviving their language, culture, customs and traditions and they are developing arts at the amateur and professional levels.

132. The State is carrying out a package of political, legal and organizational measures aimed at the practical resolution of problems related to satisfying the educational needs of members of the different nationalities living in Ukraine.

133. The Declaration on the State Sovereignty of Ukraine, the Ukrainian Constitution, the National Minorities Act, the Languages Act, the Education Act and the Extra-Curricular Education Act, as well as other legislative acts, serve as the legal basis for the development of State policy with regard to satisfying the educational needs of national minorities. Furthermore, the national legislation and practical regulation of ethnic and nationality processes in education are formulated by our State in accordance with international standards in this sphere as enshrined in the Universal Declaration of Human Rights, the Framework Convention for the Protection of National Minorities and the Hague and Oslo Recommendations Regarding the Education Rights of National Minorities.

134. While Ukrainian has been established as the official State language in Ukraine, the right of each person to the free use of his or her native language, to instruction in his or her native language or to study his or her native language is recognized in the country. The Ukrainian Ministry of Education and Science, with the participation of education and science offices under oblast government administrations, is working consistently to implement the relevant measures to promote these rights.

135. Promoting a person's right to education is one of the most important responsibilities of a State. Since gaining independence, Ukraine has set priorities for the development of education on the basis of its Constitution, the appropriate legal foundation has been laid and practical reform of the sector has been undertaken in accordance with the National State Education Programme. The regulatory legal framework for education has been nearly completed during this time. The Education Act, Vocational Education Act, General Secondary Education Act, Extra-Curricular Education Act, Pre-School Education Act, Protection of Children Act, National Minorities Act, Languages in the Ukrainian SSR Act and Local Self-Government Act have been adopted, in addition to the Convention on the Rights of the Child, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the Hague Recommendations Regarding the Education Rights of National Minorities and the Oslo Recommendations Regarding the Linguistic Rights of National Minorities. The current laws of Ukraine provide for protection of the rights of national minorities, including the right to education, through the conclusion of intergovernmental and inter-agency agreements.

136. Ukrainian law establishes education as a top priority. With a view to fostering an environment conducive to meeting educational needs and to ensuring

full utilization of the intellectual, scientific and technical potential of young people, a number of presidential decrees have been adopted, including decrees on a Programme for working with gifted young people for 2001–2005, on additional measures for implementation of state youth policy and on awards for winners and participants in international student Olympiads and their teachers. The network of all types of educational establishments has been reformed with a view to bringing them into line with the needs of the individual and the economic resources of the State and regions. The number of new types of institutions (mixed pre-school and general educational establishments, lycées, high schools, preparatory academies, colleges) is growing. The content of education is being improved accordingly. Instruction is being offered on the basis of fundamentally new and coordinated curricula. State standards for primary and general secondary education have been approved. The accreditation and licensing of general educational establishments and vocational schools has been introduced. State certification of pupils' academic achievement has been introduced as part of the general secondary education system (general educational establishments, vocational schools, and higher educational establishments with Level I and II accreditation).

137. In the third millennium mankind has entered an era of advanced information and communication technologies. The dramatic increase in the mobility of students, teachers and scientists, the widespread study of foreign languages, the organization of international seminars, symposiums and conferences and the implementation of joint projects and programmes are opening up new opportunities for learning about the experience of educational systems and cultures of other peoples and are contributing to the process of integration into a common international educational space.

138. Since gaining independence Ukraine has concluded 72 intergovernmental and 37 inter-agency agreements on cooperation in education and science with 53 countries around the world. These include 13 intergovernmental agreements on the recognition and equivalence of educational documents and academic titles. More than 1,000 foreign citizens are obtaining an education in Ukraine under the agreements in force, and almost 1,600 Ukrainian citizens are studying abroad.

139. The State guarantees the constitutional right of every citizen to accessible and free complete general secondary education.

140. In terms of the educational levels offered by a given institution (primary, basic, complete general secondary education), the network of general educational establishments is designed to cater to the specific demographic, ethnic and socio-economic situation.

141. Level I (primary grades), level II (intermediate grades) and level III (senior grades) general educational establishments operate in accordance with the given educational level. The proper environment has been created for the operation of a network of general educational establishments that provide for the study of or instruction in national minority languages, in particular Romanian, Polish, Crimean Tatar, Slovak, Hungarian, Moldovan and other languages, and there are also educational establishments where two or more languages are studied.

142. The network of general educational establishments is designed according to the following principles:

- all forms and types of educational services provided by the State are to be available to every citizen;
- each person has an equal opportunity to realize in full his or her abilities, talents and all-round development;
- education is to be open in nature, and the conditions are to be created in which a citizen can choose his or her field of study and training in accordance with his or her abilities and interests;
- social protection of children.

143. The formation of the contingent of pupils at general educational establishments is based on the following principles:

- equality of all of the country's citizens, as well as aliens who are legally in Ukraine, regardless of race, skin colour, political, religious and other beliefs, sex, ethnic or social origin, property status, place of residence or linguistic or other traits;
- access to free complete general secondary education at State and communal educational establishments;
- freedom of choice of a general educational establishment in accordance with a citizen's educational, cultural and social needs;
- the responsibility of parents or guardians to ensure that a child obtains a general secondary education.

144. There are objective factors that also have a significant impact on the formation of the contingent of pupils at general educational establishments, namely, the demographic, ethnic and socio-economic situation in the country, and the level of social protection provided for citizens.

145. A State policy is being implemented with regard to the formation and instruction of the contingent of pupils, students and other participants attending extra-curricular educational establishments. These are, by and large, pupils and young people who participate in clubs, creative associations and groups that share special interests, abilities and hobbies, as well as Sunday schools. Conditions have

been created to increase the number of students, pupils and participants in clubs whose work is aimed at instilling in children and adolescents patriotism, a love for Ukraine and respect for the folk customs, traditions, ceremonies and national values of the Ukrainian people, as well as those of the different ethnic groups living in our country.

146. Higher-education policy in Ukraine is aimed at establishing equal constitutional rights of access to higher education for young people, and the right of each student to development and self-realization as an individual.

147. The thrust of our State's current education policy and strategy is to promote further development of contemporary national education and the transformation and integration of the educational system into the European and global community.

148. The legislative framework for education guarantees the free development of national minorities and it encourages their efforts to preserve their ethnic identity and to act for the good of the independence of the Homeland that is shared by all.

149. The education of national minorities in Ukraine is viewed as a system of State measures aimed at satisfying the educational needs of representatives of different ethnic groups, which are tied to specific aspects of their ethno-cultural development, the size of ethnic communities, the diversity of their compact or dispersed settlement within Ukraine and their structural organization.

150. The right of national minorities to "... use their native language or to study their native language at public educational establishments or through national cultural societies ..." is enshrined in law.

151. The basic paradigm for satisfying the educational needs of national minorities is:

- promotion of the equal constitutional rights and freedoms of all Ukrainian citizens to education regardless of their ethnic origin;
- establishment of an optimal balance in meeting the language needs of the Ukrainian nation and national minorities in the linguistic dimension;
- encouragement of recognition and respect among all members of Ukrainian society for the cultures, religions, customs and traditions of the various nationalities that live within Ukraine;
- promotion of the all-round development and functioning of the Ukrainian language as the official State language in all spheres of public life throughout the entire territory of Ukraine, as well as the languages of national minorities.

152. Measures to protect and develop the languages of Ukraine's national minorities should not constrict the areas of application of the official State language or reduce the need to study it in accordance with Ukrainian law; moreover, considering the specific nature of the national and ethno-cultural development of the Ukrainian State, the education of national minorities may contribute to the balanced satisfaction of the educational needs of all components of the complex ethnic and national structure of Ukrainian society – the Ukrainian nation and ethnic minorities, and more active participation by all Ukrainian citizens in State processes.

153. The State's principal efforts are directed at ensuring that the entire population has a command of the official State language, at changing socio-psychological stereotypes that are related to linguistic-cultural orientations and at increasing the social prestige of the Ukrainian language. The Ukrainian State recognizes that people who belong to national minorities have the right to maintain and develop their identity and their cultural, linguistic and religious uniqueness, and it is committed to protecting their rights and freedoms. They exercise their rights individually and in conjunction with others. At the same time, the State is concerned with ensuring that people who belong to national minorities are integrated into Ukrainian society and have the opportunity to participate fully in public affairs and in the development of science, culture and the arts. Education must promote the fulfilment of these goals.

154. Education is understood to be a set of systematically organized knowledge, abilities, skills, views and beliefs acquired as a result of instruction, which is provided through a network of educational establishments at various levels and which encompasses both education and personal development. Education in Ukraine is guaranteed to all citizens regardless of racial and national background, sex, and social and property status. It is intended to satisfy in equal measure the interests of each individual person and the interests of society as a whole, which is necessary for the harmonious development of the individual and the larger society and for the establishment of optimal relations between them.

155. For example, article 1 of the Hague Recommendations Regarding the Education Rights of National Minorities states that “The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.”

156. The education of national minorities is aimed at:

- instilling in Ukrainian citizens a sense of their own human and national dignity;
- equality and non-discrimination in the acquisition of systematically organized knowledge, abilities and skills for the all-round development of the individual;
- establishment by the State of the conditions for maintaining and developing national languages and cultures;
- a full command of the official State language consistent with the requirements of State standards and familiarity with the national spiritual values of the Ukrainian nation and national minorities;
- an understanding of the values of European and world cultures, recognition of their interconnection and mutual influences in the general Ukrainian context;
- the fostering of moral qualities such as kindness, honesty and respect for people regardless of their national origin.

157. Article 2(1) of the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities proclaims the right of national minorities “to use their own language, in private and in public, freely and without interference or any form of discrimination.”

158. Article 6 of the Framework Convention for the Protection of National Minorities states: “The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons’ ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.”

159. In Ukraine the instruction provided to national minorities is carried out in the languages of the national minorities and in the official State language. Study of the official State language is compulsory as an academic subject at all levels and at all educational establishments throughout the country.

160. Command of the Ukrainian language promotes unity within society and provides equal opportunities for all Ukrainian citizens to participate in the social, political and economic life of the State.

161. Citizens who belong to national minorities are guaranteed the right to instruction in their native language or to the study of their native language at educational establishments of all forms of ownership or through national cultural societies.

162. The language of instruction in every specific case is determined by the local government, taking into consideration the requests of parents or guardians. At educational establishments that have an ethnically mixed group of students, instruction is carried out in the official State language, or, if possible, separate classes are established for the study of the language of one national minority or another. In its education policy the Ukrainian State proceeds from the position that it is a unitary State in terms of its State system, and that Ukrainian is the official State language. Instruction in another native language or the study of a native language should not be at the expense of the study of the Ukrainian language, since the study of Ukrainian is one of the factors contributing to social accord and unity, and also to the integration of persons belonging to national minorities into Ukrainian society.

163. National minority educational establishments operate in the context of the legislation in force, with a view to establishing equal conditions for citizens to obtain an education, complying with State requirements regarding the content, level and scope of education, encouraging creative efforts by scholars and teachers and promoting opportunities for individual and professional development among students.

The network, structure and content of national minority education in Ukraine

164. Citizens who belong to national minorities are guaranteed, in accordance with the law, the right to receive instruction in their native language or to study their native language in State and communal educational establishments and through national cultural societies (Constitution, art. 53).

165. An extensive network of educational establishments has been established in Ukraine to meet the educational needs of national minorities.

166. The State ensures accessible and free pre-school, complete general secondary, vocational and higher education in State and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and postgraduate education and various forms of instruction; and the provision of State scholarships and privileges to pupils and students.

167. An extensive network of educational establishments has been created in Ukraine, which includes:

- general secondary schools (levels I, II, and III);
- high schools (levels II-III);
- preparatory academies (level III);

- extra-curricular educational establishments,
 - vocational schools,
 - higher educational establishments with major fields of study offered in native languages and the literature, history and geography of native regions for representatives of one or another national minority.
- Sunday schools, which are operated at national cultural societies or cultural educational institutions.

168. *Sunday schools* operate and are organized at general educational establishments or national cultural societies for the purpose of creating the proper conditions for studying the native languages, literature, history, culture, customs and traditions of ethnic communities. There are 156 Sunday schools operating in Ukraine today, with approximately 6,000 students studying their native language.

169. Classes in the Ukrainian language designed to develop listening and comprehension skills to prepare children for school are taught in preparatory groups at pre-school institutions where instruction is in the native language of national minorities, regardless of the form of ownership.

170. At general educational establishments mandatory Ukrainian translation of concepts and terms is assumed as part of the process of studying the fundamentals of science in one's native language. The native language and literature are studied as separate subjects at all general educational establishments. If the students wish to do so, they may expand their knowledge of their native language and the literature, history and geography of their native region by taking elective classes or through extra-curricular clubs.

171. Graduates of educational institutions where instruction is provided in the languages of national minorities must be certified in the Ukrainian language, which will ensure that they have the opportunity to study at higher educational establishments with accreditation at levels I-IV. A curriculum that consists of compulsory and elective components is a key element in the development of the educational content at educational establishments for national minorities.

172. The compulsory component of educational content defines the list of academic subjects that are mandatory at all general educational establishments in Ukraine, and it ensures that each graduate is fluent in the official State (Ukrainian) language and has a sufficient command of basic knowledge about nature, man and society.

173. The purpose of the basic educational content is to ensure that each graduate has achieved a compulsory, socially determined level of education, and it is established on a nationwide basis.

174. In order to satisfy the educational needs of national minorities, in addition to compulsory academic subjects, general educational establishments provide instruction in the native languages of national minorities and the literature, history and geography of native regions.

175. The elective component of educational content at educational establishments is aimed at developing individual abilities, satisfying the cognitive interests of students and accounting for and combining specific ethno-cultural and socio-cultural features within the educational content.

176. The elective component of educational content is determined on the basis of general principles and includes subjects and courses with in-depth study of certain disciplines, specialized instruction, electives and group and individual class work.

177. There are 20,913 general educational establishments operating in Ukraine today with an enrolment of approximately 5,583,000 pupils. In terms of the language of instruction, these educational institutions are broken down as follows:

schools at which Ukrainian is the language of instruction – 16,945 (with 3,863,000 pupils);

schools at which Russian is the language of instruction – 1,594 (708,215 pupils);

schools at which Moldovan is the language of instruction – 9 (3,602 pupils)

schools at which Romanian is the language of instruction – 94 (24,085 pupils),

schools at which Hungarian is the language of instruction – 69 (16,070 pupils),

schools at which Polish is the language of instruction – 4 (1,004 pupils),

schools at which Crimean Tatar is the language of instruction – 14 (4,151 pupils).

In addition, there are 2,140 general educational establishments where instruction is provided in two or more languages, such as:

Ukrainian and Russian – 2,068 (1,168,000 pupils);

Ukrainian and Hungarian – 30 (9,332 pupils);

Ukrainian and Romanian – 8 (2,949 pupils);

Ukrainian and Moldovan – 3 (1,320 pupils);

Russian and Crimean Tatar – 19 (11,251 pupils);

Russian and Romanian – 2 (1,376 pupils);

Russian and Hungarian – 2 (654 pupils);

Russian and Bulgarian – 2 (1,398 pupils);

Bulgarian and Moldovan – 3 (1,436 pupils).

Section 4. Legal Protection for Refugees in Ukraine

178. In accordance with Ukrainian Act No. 2942-III dated 10 January 2002, Ukraine acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

179. Taking into consideration the norms set forth in the 1951 Convention relating to the Status of Refugees and the Ukrainian Refugees Act, persons who are not citizens of Ukraine and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, citizenship, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country; or who, not having a nationality (citizenship) and being outside the country of their former habitual residence, are unable or, owing to such fear, are unwilling to return to it, are granted refugee status in Ukraine.

180. Persons who are granted refugee status in Ukraine are aliens or stateless persons who are in Ukraine legally. These persons enjoy the same rights and freedoms and have the same responsibilities as citizens of Ukraine, with the exception of those cases established by the Constitution and laws of Ukraine and international treaties.

181. In accordance with article 20 of the Ukrainian Refugees Act, a person who has been granted refugee status has the same rights as Ukrainian citizens to:

- freedom of movement, free choice of place of residence, and the right freely to leave Ukraine, subject to the restrictions established by law;
- work;
- engage in entrepreneurial activity not prohibited by law;
- health protection, medical care and medical insurance;
- recreation;
- education;
- freedom of one's world view and religion;
- send individual or collective written appeals or make a personal appeal to State or local government authorities, officials or employees;
- own, use, and dispose of his or her property and the results of his or her intellectual and creative work;
- challenge through the courts the decisions, actions, or omissions of State or local government authorities, officials or employees;

- appeal for protection of his or her rights to the Human Rights Commissioner of the Verkhovna Rada;
- legal assistance.

182. A person who has been granted refugee status in Ukraine has the same rights as Ukrainian citizens with regard to marriage and family relations.

183. A person who has been granted refugee status in Ukraine has the right to receive financial assistance, a pension, and other types of social security following the procedure established by Ukrainian law, and to the use of housing provided at his or her place of residence.

184. A person who has been granted refugee status in Ukraine enjoys other rights and freedoms as provided for by the Constitution and laws of Ukraine.

185. In addition, the Ukrainian Citizenship Act states that for persons who have been granted refugee status or asylum in Ukraine, a condition for obtaining Ukrainian citizenship is that they must have resided legally in Ukraine for three consecutive years from the moment they were granted refugee status or asylum in Ukraine, and persons who entered Ukraine as stateless persons must have resided legally in Ukraine for three consecutive years from the moment they received a Ukrainian residence permit.

186. This provision of the regulatory legal act is being actively implemented. An example of this can be seen in the fact that 119 persons who had refugee status have been granted Ukrainian citizenship.

187. There have been no reported cases of negative treatment of refugees by the public based on racial or ethnic background.

Section 5. Regulation of Labour Relations in Ukraine

188. The basic provisions of the International Convention on the Elimination of all Forms of Discrimination concerning employment are enshrined in Ukrainian law and are adhered to strictly in the process of its enforcement.

189. In accordance with articles 21 and 24 of the Ukrainian Constitution, all people are free and equal in their rights. Human rights and freedoms are inalienable and inviolable.

190. Equal rights for women and men are ensured by providing men and women with equal opportunities in social, political and cultural life, education, vocational training, employment and remuneration for their work; by special

measures to protect women's occupational safety and health; through pension benefits; by creating conditions that enable women to combine work and motherhood; and by legal protection and financial and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers.

191. Article 2-1 of the Labour Code states that Ukraine shall ensure equal employment rights for all citizens irrespective of their origin, social and property status, race or nationality, sex, language, political views, attitude toward religion, type and nature of employment, place of residence or other circumstances.

192. The aforementioned norms of the Ukrainian Constitution are also reflected in article 3 of the Employment Act, which states that Ukraine's State employment policy is based on the principle of the equal rights and opportunities of all citizens, regardless of their origin, social and property status, race, nationality, sex, age, political views or attitude toward religion, freely to choose work according to their capabilities and vocational training, having regard for their personal interests and the needs of society.

193. Among other things, the Ukrainian State guarantees all able-bodied members of the population:

- that employment is voluntary, that they may choose and change their occupation and type of job;
- protection from an unjustified refusal to hire someone and unlawful dismissal, as well as assistance in retaining one's job;
- free assistance in finding suitable work and job placement in accordance with one's vocation, abilities, vocational training and education, having regard for the needs of society, using all available means, including career counselling and retraining;
- the payment of severance benefits for employees who have lost permanent jobs at enterprises and institutions in those cases and under those conditions provided for by the legislation in force;
- free training for unemployed persons to develop new job skills, retraining at educational establishments or within the State employment service system, accompanied by the payment of a stipend;
- the payment of financial assistance to unemployed persons following the established procedure, unemployment benefits for family members supported by them and other types of assistance.

194. State agencies provide for the publication of statistical data and informational materials on labour supply and demand, job placement opportunities, vocational training and retraining, career counselling and social and employment rehabilitation.

Section 6. Promotion of Rights to Health Protection, Medical Care and Medical Insurance

195. In accordance with article 49 of the Ukrainian Constitution, everyone has the right to health protection, medical care and medical insurance.

196. Relations within the Ukrainian health care system are governed by the Principles of Ukrainian Health Protection Legislation Act of 1992. Norms that are consistent with the Universal Declaration of Human Rights (adopted by the United Nations General Assembly in 1948), the European Convention for Protection of Human Rights and Fundamental Freedoms (1950) and the European Social Charter (1961) are enshrined in Article 4 of the Act. This article provides for the observance of human rights and freedoms in the area of health protection, a humanistic orientation and the priority of common human values over class, national, group or individual interests.

197. In accordance with article 4, section II, of the Principles, the fundamental principles of health protection in Ukraine are a humanistic orientation, the priority of common human values over class, national, group or individual interests, and increased medical and social protection for the most vulnerable segments of the population.

198. According to article 11, “Rights and responsibilities of foreign nationals and stateless persons,” of section II of the Principles of Legislation, foreign nationals and stateless persons who are permanent residents of Ukraine enjoy the same rights and bear the same responsibilities in the area of health protection as Ukrainian citizens.

199. The provision of medical care to citizens regardless of nationality and religion helps to prevent an aggravation of inter-ethnic and inter-faith relations.

200. All accounting and reporting documents in the health protection system are printed exclusively in the Ukrainian language, which prevents different interpretations of medical concepts, terms and opinions. Latin is used as the international language for medical personnel and helps to protect medical confidentiality. Thus, the use of two languages is entirely satisfactory for the health protection field.

Section 7. Culture and the Arts in Ukraine

201. Respect for the cultural diversity of Ukrainian society is one of the most important principles of the democratic Ukrainian State. Support, protection and popularization of national minority cultures is one of the fundamental tasks of the Ukrainian Government.

202. Pursuant to Instruction No. 252/2001-rp of the President of Ukraine “On Measures to Support the Activities of National Cultural Societies” dated 21 September 2001, and Presidential Decree No. 1573, “On Changes in the Structure of Central Government Bodies” dated 19 December 1999, support for the development of national minority cultures has been placed under the authority of the Ukrainian Ministry of Culture and Tourism.

203. An ethnic cultural affairs section has been established within the ministry, and its job is to carry out State ethnic policy with regard to support for the development of national minority cultures.

204. Proceeding from the provisions of the Principles of Ukrainian Cultural Legislation, the section carries out measures within the scope of its authority which are aimed at providing support for the activities of national cultural societies and promoting the all-round development of national cultures as a vital part of Ukrainian culture in such a way as to provide everyone with the opportunity for self-realization in an atmosphere of respect and freedom and for realization of the rights of a voluntary association or individual citizen as a representative of a national minority. This self-realization is linked above all to culture, which together with other social and economic factors is a significant factor in the harmonious development of our multi-ethnic society and a guarantee of its political stability.

205. The ethnic cultural affairs section works to promote greater activity on the part of national cultural societies, the establishment of new amateur artistic groups and the organization of both national and multi-ethnic cultural and artistic events, conferences, children’s arts festivals and exhibitions of paintings and decorative and applied folk arts, among other things.

206. With this aim, a number of artistic and cultural events sponsored by the State Budget were held in various regions of Ukraine throughout 2004, including: cultural and artistic events to mark Slavic Literature and Culture Day (Kiev); cultural and artistic events to mark “Language Palette” Native Language Day (Kiev); the All-Ukrainian Festival of Jewish Song and Dance (Kiev); the All-Ukrainian Photographic Exhibition “Traditions of Decorative and Applied Arts of Ukraine’s Ethnic Groups” (Kiev); the “Sholom Aleichem” musical performance (Kiev); the “Khidirlez” Crimean Tatar Youth Festival (Simferopol); the All-Ukrainian Photographic Exhibition “Ukraine’s Ethnic Diversity” (in the cities of

Lvov, Uzhgorod, Kharkov, Simferopol, and Nikolayev); “The Joy of Rebirth” cultural and educational events for children of deported peoples of Crimea (Feodosia, Autonomous Republic of Crimea); the All-Ukrainian Festival of National Minority Children’s Arts “Our Hearts for Children,” dedicated to International Children’s Day (Nikolayev); the “Ethno-dia-sphere” Festival of National Minority Theatres (Mukachevo, Zakarpatye); cultural and artistic events celebrating the creative work national minority families (Kiev); the “Sinyogory-2004” International Festival of Painters and Masters of Decorative and Applied Arts Representing Ukraine’s National Minorities; the “Bukovinsky Meetings” International Festival (in the city of Chernovtsy and Chernovtsy oblast); the “Inter-Vernissage” All-Ukrainian Exhibition of Graphic and Decorative and Applied Arts of National Minorities (Kiev); the “Roma in Ukraine” All-Ukrainian Cultural and Arts Event (Belaya Tserkov, Kiev oblast); and the “Amala-2004” International Gypsy Festival (Kiev).

207. The section is engaged in active efforts to develop creative and effective cooperation both with State entities (the Ministry of Education and Science, the Ministry of Foreign Affairs, the State Committee on Nationalities and Migration and cultural affairs offices of oblast governments), and with national minority voluntary associations (national cultural societies, councils of national societies, confederations). The section is working particularly closely with the Council of National Cultural Societies, the German Source Voluntary Youth Organization, the Congress of Ukrainian Roma Confederation of Voluntary Associations, the Democratic Union of Hungarians, the Krymkarailar All-Ukrainian Association of Crimean Karaims and councils of national cultural societies of Nikolayev, Kiev, Odessa, Chernovtsy, Zakarpatye and other oblasts.

208. Significant work with national minorities is being done at the local level through the library network. The collections of national, State, republican, oblast, city, district, village, rural and school libraries and libraries of national cultural societies are regularly supplied with literature in national minority languages that is produced by publishers of various forms of ownership under a Programme for the publication of socially significant literature.

209. Books devoted to the cultural heritage of the Ukrainian people and to the spiritual legacy of various peoples of Ukraine have been published on the basis of State orders.

210. Ukrainian museums are focusing a great deal of attention on illuminating the history and contemporary lives of representatives of national minorities. New exhibits are being organized and scientific and practical conferences are being held, along with evenings devoted to well-known figures in science and culture. Major work in this area is being done by the “Ancient Halich” National Heritage Site, the

Genich District National Regional Museum of Kherson oblast, the Belaya Tserkov Regional Museum of Kiev oblast, the Kharkov Museum of Art and the Chernovtsy oblast Regional Museum

211. A gala opening of an oblast literary memorial museum was held on 20 September 2004 in the city of Kremenets in Ternopol oblast on the occasion of the 195th anniversary of the birth of Julius Slowacki.

212. The status of financial support provided for a Programme of measures to develop national minority cultures up to 2005 is evidence of the State's concern for the national cultural revival of Ukraine's ethnic groups. The measures have been funded under a separate code in the State Budget for three years now. Spending on these needs is increasing every year.

213. The establishment of the All-Ukrainian National Cultural Centre in the city of Kiev and national cultural centres in the oblasts, and also in areas with a high concentration of one national minority or another, is an important task for the future in terms of supporting the cultural development of national minorities.

Section 8. Promotion by Ukrainian Law Enforcement Authorities of the Rights and Freedoms of Persons of Other Nationalities

214. The principles of equal rights and freedoms for all citizens and their equality before the law are enshrined in Ukrainian law.

215. Specifically, this is provided for under article 6 of the International Convention on the Elimination of all Forms of Racial Discrimination. In Ukraine persons who demean the national dignity and honour of other persons are held legally liable in accordance with current Ukrainian law. The criminal legislation also contains such a provision, specifically, article 66 of the Criminal Code of Ukraine, which makes it a criminal offence to incite inter-ethnic hatred, to demean national honour and dignity and also to restrict citizens' rights on the basis of their ethnicity.

216. In the drafting of the text of the Ukrainian Criminal Code, the positions of experts from the United Nations Committee on the Elimination of Racial Discrimination were taken into account, specifically:

217. Among other things, in article 67 "Aggravating circumstances when determining punishment," the "commission of a crime based on racial, national, or religious hatred or strife" is recognized as such a circumstance.

218. In addition, criminal liability is established for actions that involve racial discrimination in some form (art. 161 “Violation of the equal rights of citizens based on race or nationality or attitude toward religion”; art. 442 “Genocide”).

219. Various mechanisms for the protection of human and citizens’ rights and freedoms have been established by law and operate in Ukraine.

220. Civil-law machinery exists for complaints to be made to a court against decisions, actions or inaction of State organs, legal persons or officials in the administrative sphere in cases where a citizen considers that his or her rights or freedoms have been or are being violated.

221. The Office of the Procurator-General has no data concerning any restrictions of rights or granting of privileges for citizens according to their racial or national background.

222. In 2004 there were instances of the publication and dissemination in print of materials aimed at the destabilization of public life and the incitement of national discord. Such publications appeared in *Personnel* magazine and in the newspaper *Personnel Plus*, which are published by the Interregional Personnel Management Academy, in the newspaper *Idealist*, as well as several others. Investigations were conducted in response to all of these incidents and the measures provided for by law were taken.

223. To this end, the State Committee on Nationalities and Migration sent requests to the editors-in-chief of the publications in question. With the aim of bringing a halt to manifestations of xenophobia, anti-Semitism and racial and religious intolerance, the Committee published statements in the mass media condemning xenophobic attitudes. In addition, expert findings regarding the xenophobic content of a number of publications were sent to the Office of the Procurator-General with a request that the appropriate legal review be performed and petitions were also filed with the courts calling for circulation of the publications in question to be suspended.

Conclusions

224. The fact that Ukraine is one of the States of the former USSR without inter-ethnic conflicts is the result of Ukraine’s consistent and constructive ethnic and nationality policies, which are based on a democratic legislative foundation, international legal acts regarding nationality relations and its long-standing traditions of tolerance for representatives of other races and peoples.

225. We see this as our country's signal achievement in combating racism, racial discrimination, xenophobia and religious intolerance.

Abbreviations:

the Committee – the Ukrainian State Committee on Nationalities and Migration