



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

**Comments by the Government of Ukraine on the concluding observations of the
Human Rights Committee (CCPR/CO/73/UKR)**

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[4 September 2002]

**Information on the concluding observations of the Human Rights
Committee in connection with its consideration of the fifth periodic
report of Ukraine concerning implementation of the International
Covenant on Civil and Political Rights**

Paragraph 10

1. Article 3 of the Ukrainian Constitution stipulates that the human being, his or her life and health, honour and dignity, inviolability and security are recognized as the highest social value. The principal duty of the State is to affirm and uphold human rights and freedoms.
2. Ukraine has passed laws to protect human and citizens' rights and freedoms. For example, the articles of chapter 3 of the Ukrainian Criminal Code specify that crimes against life, health, freedom and dignity shall attract criminal liability.
3. The Marriage and Family Code of Ukraine establishes the personal and property relations that obtain within the family between spouses, parents, children and other family members. In addition, the rights arising in the context of marriage and family relationships are protected by the courts, agencies of tutelage and guardianship, and the civil registry authorities.
4. The State authorities, including the law enforcement agencies, take preventive steps to eliminate the causes of and factors that breed crime, including domestic violence against women.
5. On 15 November 2001 the Verkhovna Rada of Ukraine passed the Prevention of Domestic Violence Act, seeking to tackle the problem of cruelty to women in the family environment; the Act outlines the legal and organizational aspects of preventing domestic violence, and names the bodies and institutions that are responsible for taking preventive action in this sphere. The Ukrainian State Committee for Family and Youth Affairs has drafted and submitted for the consideration of the Cabinet of Ministers a procedure for investigating reports and information about actual or potential cases of domestic violence. Under article 3 of the Act, the Ministry of Internal Affairs' responsibility for taking action to prevent domestic violence devolves upon militia beat officers and the branch of the criminal militia handling juvenile affairs.
6. Pursuant to the International Covenant on Civil and Political Rights, the Ukrainian Ministry of Internal Affairs is taking steps to comply with the stated wish of the President and Government of Ukraine that it should adopt a considerate attitude to citizens and their families as a component of Ukrainian society, take measures to protect them against unlawful acts and raise the general culture of militia officers.
7. In order to fulfil the requirements of the Prevention of Domestic Violence Act, the Ministry of Internal Affairs has taken a series of organizational measures. Ministerial Order No. 307 on measures to implement the Prevention of Domestic Violence Act was signed on 28 March 2002. Article 2 of this Order states that, in conjunction with the State Committee for Family and Youth Affairs and the Ministry of Health, the Ministry of Internal Affairs shall draw up an interdepartmental instruction on cooperation and information-sharing in domestic violence cases.

8. By Order No. 329 of 9 April 2002, the Ministry of Internal Affairs validated the instructions on the procedure for drawing up a preventive register of persons who have committed domestic violence. Guidelines have been produced for internal affairs officers involved in the prevention of domestic violence, as has a bill to amend the Ukrainian Code of Administrative Offences to cover responsibility for domestic violence.
9. The State Committee for Family and Youth Affairs and the Ministry of Internal Affairs have jointly prepared a draft Order of the Cabinet of Ministers on a procedure for investigating reports and information about actual or potential cases of domestic violence.
10. Furthermore, the Ministry of Internal Affairs has proposed to the coordinators of the "Social initiatives to prevent domestic violence" project and the Ukrainian Research Institute for Social and Forensic Psychiatry, Alcoholism and Drug Dependence that technical guidance and support should be provided to field officers enforcing the Act.
11. A proposal has been made to add sections on domestic violence to statistical reports. Five articles about the problems of preventing domestic violence have appeared in the national press.
12. The topic of violence against women is reflected in the new National Action Plan for the advancement of women and the promotion of gender equality in society in the period 2001-2005.
13. As part of the "Harmony" Project, an American delegation is holding meetings with representatives of the Ministry of Internal Affairs, public relations officers, training officers and psychologists, discussing experience with cooperation between police forces and the public in the United States of America, including work with schoolchildren and families. Under the "Preventing Domestic Violence" Programme, eight exchange visits have taken place between 1999 and 2001 between delegations from the Ministry of Internal Affairs and American law enforcement structures. A study plan for the social and humanitarian training of rank-and-file officers and junior managers in Ukrainian internal affairs agencies has been drawn up and approved for the academic year 2002/03.
14. Work has started on establishing a network of specialized institutions for victims of domestic violence: crisis centres and shelters for battered women, and medical and social rehabilitation centres for victims of domestic violence. As part of the programme of cooperation between the State Committee for Family and Youth Affairs and the United Nations Children's Fund (UNICEF) in the period 2002-2005, there are plans to open five crisis centres (shelters) every year, to be funded in part by UNICEF and local budget resources. As part of a project being pursued with Winrock International, a network of "Woman for Women" information and counselling centres has been set up and is operating in nine regional centres in Ukraine.

Paragraph 13

15. As it currently stands, Ukrainian law provides adequate safeguards for the cultural identity of national minorities, but the rapid development of inter-nationality processes and the increasingly active stance taken by representatives of ethnic associations and their desire to be involved in these processes, mean that the existing mechanisms for shaping the legal basis of State ethnic policy need to be fine-tuned.

16. Article 24, paragraph 2, of the Ukrainian Constitution stipulates that there shall be no privileges or restrictions on grounds of race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, or linguistic or other characteristics.

17. The process of democratization which has begun in independent Ukraine has activated constructive forces in Ukrainian society and in the Roma community itself which could have a real impact on the problems facing the Roma. The situation of the Roma has started to change for the better: the emergence of a significant number of Roma voluntary associations bears witness to the ethnic and cultural renaissance of this national minority.

18. Close cooperation between the State Committee for Nationalities' Affairs and Migration and voluntary organizations is facilitated by a consultative body reporting to the President, the Council of Representatives of National Minority Voluntary Organizations, which includes a Roma representative.

19. With backing from international organizations, the State Committee for Nationalities' Affairs and Migration is working constructively on issues pertaining to the adaptation and participation of Roma in social processes and the satisfaction of their educational, linguistic and public information interests.

20. A proposal by the Government of Finland to establish a Europe-wide Roma forum has recently been examined under the auspices of the Ministry of Foreign Affairs and in partnership with the State Committee for Nationalities' Affairs and Migration.

21. Along with other national minority voluntary organizations, Roma societies - which have branches in most Ukrainian oblasts - are conspicuously active.

22. Thanks to the support of the Ukrainian Government and the efforts of Roma voluntary organizations in Ukraine, 19 Roma national and cultural associations have been formed; their activities focus on the development of the Roma ethnic identity, language, culture and traditions.

23. Most regions inhabited by Roma have amateur artistic and performing groups; human rights centres are also being set up, and there are Roma Sunday schools in two towns.

24. In some regions closer and more businesslike contacts are starting to develop between Roma and the authorities, for example with oblast, local and district administrations, voluntary associations of other national groups, and international organizations and foundations.

25. Alongside the progress that is being made in the cultural and educational development of the Roma people, there are also negative points. Some of these have historical roots: early marriages, low education levels, inadequate housing, sanitation and hygiene. Others are economic and relate to a want of social support (large-scale unemployment, low pay, low benefits and allowances etc.).

26. The main problems facing the Roma in Ukraine, as in other countries with a Roma population, are unsatisfactory living conditions and lack of education, unemployment, and poor integration into national economic, cultural and political life. The relative isolation of the Roma from society feeds a certain level of prejudice against them in the workplace, educational establishments and medical institutions. Consequently the problems which all ethnic groups are now experiencing have affected the Roma most of all.

27. Moves to uphold the rights of the Roma and afford them social protection have not yet been fully put into practice. State bodies - in particular the State Committee for Nationalities' Affairs and Migration - do nevertheless react in due time to instances of prejudice against persons of Roma nationality.

28. The Ministry of Internal Affairs has made a study of all reports and information received this year and the year before from representatives of national minorities, including Roma. No reports have been received of prejudice against Roma, nor have there been any complaints connected with the fact that the complainant was of Roma origin.

29. On 7 June 2002 the Ministry of Internal Affairs took part in the National Forum of Roma Communities, during which it gave a presentation on matters to do with passport arrangements.

30. The Government does not think there is any need for a special independent authority to investigate offences committed by members of the militia, since this matter is regulated under Ukrainian law. Under the Office of the Procurator Act, procuratorial bodies include special offices and departments to ensure that the law is adhered to in the course of police operations, initial inquiries and pre-trial investigations, including those conducted by agencies of the Ministry of Internal Affairs. One of the functions of the procuratorial system is to ensure that the law is observed during the enforcement of judicial decisions in criminal cases, and during the application of other coercive measures which entail restrictions on citizens' personal freedom.

31. Furthermore, under article 85, paragraph 17, of the Ukrainian Constitution, the Verkhovna Rada has the power to appoint and dismiss the Commissioner of the Verkhovna Rada of Ukraine and hears his or her annual reports on the observance and protection of human rights and freedoms in Ukraine. The Commissioner's mandate has already been explained.

Paragraph 14**The status of cemeteries confiscated under the Nazi occupation**

32. After 1917 citizens of Jewish nationality were buried in practically all working cemeteries in Ukrainian towns and villages where there existed appropriate conditions for burial according to national and religious rites. Under current Ukrainian laws and regulations, working cemeteries in Ukrainian towns and villages are not divided along national lines.

33. According to article 42 of the Regulations respecting the Laws and Customs of War on Land - the Annex to the Convention respecting the Laws and Customs of War on Land, done at the Hague on 18 October 1907 - a territory is considered occupied when it is actually placed under the authority of the hostile army. During the period in question (1942), Ukraine was occupied by Nazi invaders and could not be held responsible for the actions of the occupying State, including the confiscation and destruction of Jewish cemeteries. Article 43 of the aforementioned Regulations states that, the authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

34. Articles 42 and 43 of the Regulations respecting the Laws and Customs of War on Land - the Annex to the Convention respecting the Laws and Customs of War on Land, done at the Hague on 18 October 1907 - were amplified in the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War and the Protocol of 8 June 1977 Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I), which stipulate that the Occupying Power must take all measures to ensure order in the territory that it has captured. The life and honour of civilians, their property, religious beliefs and families, must be respected. Specifically, article 53 of the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War states that any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations. Article 53 of the Protocol of 8 June 1977 Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) indicates that without prejudice to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

- (a) To commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (b) To use such objects in support of the military effort;
- (c) To make such objects the object of reprisals.

35. The Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 came into force in Ukrainian territory on 6 May 1957.

36. Proposals by foreign organizations to build Jewish cemeteries in Ukraine on a joint basis have been turned down on occasion because Ukraine is an ethnically mixed State where there are mixed marriages and the establishment of cemeteries on national and religious lines could create a situation conducive to the development of social tensions in society.

Racist and anti-Semitic publications

37. In pursuing their activity as independent professionals, journalists exercise their rights and fulfil their obligations as laid down in the Information Act, the Television and Radio Broadcasting Act, the Ukrainian Mass Print Media (Press) Act and the Act on State Support for the Mass Media and the Social Protection of Journalists.

38. In the performance of their duties, professional journalists operate under the legal and social protection of their editorial office. The honour, dignity and inviolability of journalists is protected by law.

39. A journalist's professional activity may not constitute grounds for his arrest or detention, or for the confiscation of material which he has gathered, handled or prepared, or of equipment used in the course of his work.

40. Furthermore, it is an offence under article 171 of the Ukrainian Criminal Code for an official or group of persons intentionally and by prior arrangement to obstruct the legitimate professional activity of a journalist or to persecute a journalist for fulfilling his professional obligations or for making criticisms.

Paragraph 15

41. Under article 1 of the Pre-Trial Detention Act, detention in custody must be carried out in strict conformity with the Ukrainian Constitution and the requirements of the Universal Declaration of Human Rights and other international legal norms and standards for the treatment of detainees; custody must not be combined with the deliberate causing of physical or mental suffering or degradation.

42. Torture is an offence under article 27 of the Criminal Code of Ukraine. Torture, i.e. the intentional causation of severe physical pain or physical or mental suffering by means of beating, victimization or other violent acts calculated to coerce the victim or another person to commit acts contrary to his will, is punishable by 5 to 10 years' deprivation of liberty.

43. In line with the commitments which Ukraine entered into when it became a member of the Council of Europe, and pursuant to comments and recommendations made by the experts of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during their visits to Ukraine, the following organizational and practical steps are being taken.

44. The Ministry of Internal Affairs and the Ministry of Justice have devised specific measures which lie at the heart of a variety of special programmes, for example the Comprehensive programme to improve personnel work and enhance the authority of the militia

in the period 1999-2005; the Programme to foster partnership between the militia and the general public in the period 2000-2005; and the Programme “The People and The Militia - Partners”.

45. In May 2001 the issues of legal compliance in the work of internal affairs agencies and steps to reinforce law and order were reviewed by the central administrative board of the Ministry of Justice, which approved a Plan of organizational, practical and guidance measures to reinforce discipline, law and order.

46. In addition, the Ministry of Internal Affairs and the State Department for the Execution of Penalties have issued a joint decree (No. 300/73 of 23 April 2001) on observance of the law when detaining persons suspected of an offence, the choice of pre-trial detention as a preventive measure and observance of the statutory periods for detention and custody during pre-trial investigations. The decree was registered with the Ministry of Justice on 30 August 2001 as No. 761/5952. It outlines measures to ensure that investigators stay within the law when detaining suspects, choosing pre-trial detention as a preventive measure, and observing the statutory periods for detention and custody. Specifically, provision is made for a monthly check of the list of persons released from temporary holding facilities, comparison of this information with criminal case-files, analysis of the justification for remand in custody and the monitoring of developments in such cases. Every month, investigators based at internal affairs authorities (offices) must check information supplied by remand units on the justification for the detention of accused persons under investigation; the number of persons released from custody upon expiry of the pre-trial detention period, imposition of a different preventive measure, cancellation of the preventive measure on grounds including exoneration of the remand prisoner, or closure of the criminal case on grounds of rehabilitation; the time a prisoner has spent on remand, if over two months; and, when remand unit authorities are notified that an accused has been told his pre-trial investigation is over and has been presented with the criminal case-file for perusal, the extension of his remand in custody, or the recalculation thereof by a procurator or other agencies.

47. Provision is made for regular checks (at least once a quarter) at all investigative units without exception on legal compliance in respect of arrest and detention, on observance of the statutory periods for the detention of accused persons (suspects) and on the resolution of complaints about breaches of the law during detention and custody.

48. The Ministry of Internal Affairs has introduced a monthly survey of legal compliance during arrest and detention, which was approved on 27 November 2001 (No. 8845/3b) and has been forwarded to the relevant agencies in the field together with instructions on how the survey is to be compiled.

49. Article 22, paragraph 3, of the Code of Criminal Procedure of Ukraine prohibits attempts to obtain evidence from the accused or other parties to proceedings by violence, threats or other unlawful means.

50. Article 29 of the Ukrainian Constitution states that anyone who is arrested or detained must be informed of the reasons for his arrest or detention, apprised of his rights and afforded the opportunity to defend himself personally as soon as he is apprehended, or to have the assistance of a lawyer.

51. Articles 106 and 115 of the Code of Criminal Procedure state that a body of inquiry or an investigator must immediately notify a relative of the detainee of the fact of his arrest or detention.

52. Article 21 of the Code of Criminal Procedure states that a suspect, accused person or person standing trial shall be afforded the right of defence prior to initial interrogation, i.e. before police custody or pre-trial detention.

53. A ruling by the Ukrainian Constitutional Court of 16 November 2000 states that a suspect, accused person or person standing trial has the right to choose any counsel.

54. According to article 373 of the Criminal Code, it is an offence to coerce someone to testify, and article 374 makes it an offence to infringe a detainee's right of defence.

55. Every detainee or remand prisoner has the right to complain to the procuratorial bodies or the courts that he has been forced to make a statement.

56. Both the Criminal Code and the Code of Criminal Procedure state that no charge may be based on evidence obtained by unlawful means.

Paragraph 17

57. Article 101 of the Ukrainian Code of Criminal Procedure defines "bodies of inquiry" as:

- The militia;
- The tax militia, in cases of tax evasion and concealment of foreign-currency earnings;
- The security agencies in cases legally assigned to their jurisdiction;
- Commanders of military units and forces and chief officers of military institutions, in all cases involving offences committed by military personnel subordinate to them and reservists during military reserve exercises, and also offences committed by employees of the Ukrainian Armed Forces in connection with their official duties or at the place where the unit, force or institution is stationed;
- The customs authorities, in cases of smuggling;
- The governors of correctional labour institutions, remand units, secure hospitals and secure institutions for young offenders, in cases involving violations of the established procedures by staff at such institutions, and offences committed on the premises of these institutions;
- The State fire inspectorate, in cases involving fires and breaches of fire safety regulations;

- The frontier guard service, in cases involving violations of national frontiers;
- Captains of maritime vessels engaged in long-distance voyages.

58. Bodies of inquiry are responsible for taking such investigative steps as are necessary to uncover evidence that a crime has been committed and to identify the perpetrators.

59. Under articles 106 and 115 of the Ukrainian Code of Criminal Procedure, the body of inquiry or the investigator of a criminal case may detain any person suspected of an imprisonable offence for up to 72 hours, but only if one of the following circumstances applies:

- When the person is apprehended in the act of committing the offence or immediately after its commission;
- When witnesses, including victims, specifically identify the person as being the one who committed the offence;
- When clear incriminating evidence is discovered on the suspect, his clothing, about his person or at his dwelling.

60. When other information to hand arouses suspicion that a person has committed an offence, that person may be detained only if he has attempted to abscond, he has no fixed address, or his identity cannot be established.

61. Whenever a person is detained on suspicion of a crime, the body of inquiry or investigator must compile a report indicating the grounds, reasons, hour, day, month and year, the place of detention, the detainee's statement, and the time when the suspect was officially notified of his right to consult with a lawyer upon being detained. A copy of the report is immediately transmitted to the procurator.

62. At the procurator's request, the material serving as grounds for detention will be transmitted to him. If a procurator monitoring the legality of detention ascertains that a person has been detained without justification, he will take steps to secure the detainee's immediate release.

63. If a detainee wishes to appeal against his detention in a court of law, the chief officer at the place of detention will immediately transmit his complaint to the court.

64. Thus, by law, an offender cannot be detained for more than 72 hours. This period is granted to the body of inquiry or the investigator to clarify whether a person is party to an offence and to decide whether to use remand in custody as a preventive measure.

65. Article 101, paragraph 7, of the Code of Criminal Procedure states that, in cases involving violations of national frontiers, bodies of inquiry shall include the frontier guard service, or units thereof which have investigative capabilities (under article 5 of the Police

Operations Act of 18 February 1992, responsibility for conducting investigative work in the Frontier Troops devolves upon investigative units). The commanders of Frontier Troops Units head bodies of inquiry.

66. Bodies of inquiry carry out the investigations to uncover evidence of a crime and to identify the perpetrators (Code of Criminal Procedure, art. 3).

67. Article 7, paragraph 3, of the Frontier Troops Act of 4 November 1991 states that the Frontier Troops are entitled to hold persons who have breached Ukraine's national frontier, frontier regulations or the rules pertaining to border crossings in administrative detention for up to three hours in order to prepare a report or, in cases where it is necessary to establish the detainee's identity and investigate the background to an offence, for up to three days provided that a procurator is notified of the detention in writing within 24 hours, or for up to 10 days with procuratorial authorization if the offender has no identity papers. They can also search detainees, examine and, if necessary, confiscate items discovered on their persons.

68. Persons in administrative detention are held in temporary holding facilities or other facilities specially adapted for the purpose.

69. In 2001, bodies of inquiry of the Frontier Troops detained 16,785 people for breaches of the law relating to Ukraine's national frontier. Of these detainees:

- 10,074 were detained for 3 hours;
- 5,113 for 72 hours;
- 1,598 for 10 days.

70. In the first six months of 2002, a total of 10,995 people were detained, of whom:

- 8,405 were detained for 3 hours;
- 1,684 for 72 hours;
- 906 for 10 days.

Paragraph 19

71. Article 12, paragraph 1, of the International Covenant on Civil and Political Rights states that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

72. These rights shall not be subject to any restrictions except those which are provided for by law and are necessary to protect national security, public order (*ordre public*), public health or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant (art. 12, para. 3).

73. The provisions of article 12 are fully reflected in the Ukrainian Constitution, article 33 of which says that everyone who is lawfully present in the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right freely to leave the territory of Ukraine, except where restricted by law.

74. However, until recently the constitutional right to freedom of movement and free choice of place of residence was in practice restricted by certain State authorities through the imposition of a residence permit system.

75. By its Decision No. 15-rp/2001 of 14 November 2001, the Constitutional Court struck down as unconstitutional paragraph 4 (1), concerning registration (deregistration), of the Internal Affairs Authorities Passport Service Regulations as ratified by Council of Ministers Decision No. 700 of 10 October 1994, which required the internal affairs passport service to apply a permit system as the general rule for choosing one's place of residence.

76. Pursuant to this ruling, Decision No. 13 of the Cabinet of Ministers of 10 January 2002, amended paragraph 4 (1) of the Passport Service Regulations to state that the passport service shall, within its sphere of competence, deal with the preparation and issuance of passports and other documents and the registration of citizens and their chosen places of residence, and shall ensure that citizens and officials abide by the rules of the passport regime.

77. Any private individual lawfully present in Ukrainian territory now has the right to be registered in Ukraine, and internal affairs bodies are not entitled to obstruct their registration.

78. The Verkhovna Rada is due to pass a law that will regulate the registration of private individuals and specify the restrictions that may be applied to the right to freedom of movement and freedom to choose one's place of residence.

Paragraph 23

79. In recent years Ukraine has significantly intensified its efforts to reshape its legislation on nationalities. The Refugees Act, the Immigration Act and the Citizenship Act, all passed in 2001, fully comply with international legal norms and the current Constitution of Ukraine, and protect the rights and freedoms of individuals, including those of foreign citizens, present in Ukrainian territory.

80. According to the National Minorities of Ukraine Act, national minorities are defined as groups of Ukrainian citizens from a non-Ukrainian ethnic background who display a sense of national self-awareness and community.

81. Discussions in recent years both in theory and in practice, and the recommendations of conferences, forums and round tables organized by Ukraine's national minority voluntary organizations require a clearer definition of the approaches and criteria that could be used to ascribe the representatives of one or another of Ukraine's ethnic groups to a particular national minority. These desiderata will be taken account of in the new version of the National Minorities of Ukraine Act, which is in preparation.

82. Article 10, paragraph 3, of the Ukrainian Constitution guarantees the free development, use and protection of Russian and other national minority languages of Ukraine. Article 11 of the Constitution stipulates that the State shall promote the development of the ethnic, cultural, linguistic and religious identity of all peoples and national minorities of Ukraine.

83. Pursuant to article 6, paragraph 1, of the National Minorities of Ukraine Act, the State guarantees all national minorities the right to national and cultural autonomy: the right to use and be taught in their mother tongue, the study of their mother tongue in State educational establishments or via national cultural societies, the development of national cultural traditions, the use of national symbols, the celebration of national holidays, the profession of their religion, the satisfaction of their needs in literature, art and the mass media, the establishment of national cultural and educational establishments, and any other activity not contrary to current law.

84. The main concern of the central authorities and local government is to translate into reality current legislation to uphold the rights of national minorities and satisfy their ethnic, cultural and social needs.

85. In recent years the sense of ethnic solidarity in voluntary associations has increased sharply. On 1 January 2002 there were 778 associations with a national-cultural focus, 28 of which were of nationwide standing.

86. The new convocation of the Verkhovna Rada has set up a Committee for Human Rights, National Minorities and Relations Between Nationalities. Local authorities have established departments and offices for relations between nationalities and migration issues.

87. The State is taking steps to address the issue of deported persons returning to Ukraine. More than 263,000 Crimean Tatars and more than 12,000 persons of other nationalities have returned to the Autonomous Republic of Crimea alone.

88. This year Ukraine acceded to the United Nations Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967. In implementing these international instruments, as of 1 January 2002 Ukraine had granted refugee status to 2,983 people from 49 countries, or six times more than the Russian Federation (532).

89. The largest group of refugees is from Afghanistan (1,587 people or 53 per cent of the total).

90. In addition, Ukraine is home to 2,793 people who have fled the military conflict zone in Abkhazia (Georgia). Under Cabinet of Ministers Decision No. 674 of 29 June 1996 these people receive help with settlement, job-placement and medical services.

91. Pursuant to a decision of the Cabinet of Ministers dated 1 July 2001, Ukraine's first refugee centre has been opened in Odessa oblast. The issue of whether to establish a similar centre in Kiev oblast is being decided.

92. The Militia Act imposes on the internal affairs agencies the duty to protect the lives, health, rights and liberties of citizens, their property, and the interests of the State and society. If people break the law, regardless of their racial or national origin or political, religious and other beliefs, the militia must take steps to ensure citizens' safety and uphold public order.

93. If militia officers violate the rights and liberties of individuals and citizens, including Roma and foreigners, such persons have the right to apply to the law enforcement bodies for protection.

94. If the allegations made in such a report are borne out, criminal proceedings are instituted against the militia officers concerned and a pre-trial investigation is carried out.

95. Ukrainian law guarantees the right of all persons, without distinction as to ethnic origin, language or religion, to practise their religion and perform the rites thereof. Article 35 of the Ukrainian Constitution provides for the universal right freely to espouse any personal philosophy or religion, including the freedom to practise any religion or to practise no religion at all, to perform religious rites and ceremonial rituals alone or collectively, without hindrance and to conduct religious activity.

96. The direct or indirect restriction of rights or the establishment of direct or indirect privileges for citizens on the grounds of race, skin colour, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, or linguistic or other characteristics is an offence punishable under article 161 of the Ukrainian Criminal Code.

97. The Freedom of Conscience and Religious Organizations Act establishes that all religions, faiths and religious organizations are equal in the eyes of the law, and the bestowal of any privileges or the imposition of any restrictions on a religion, faith or religious organization at the expense of others shall not be permitted.

98. The practical embodiment of these rights is demonstrated by the fact that people professing different religions coexist peacefully in Ukrainian territory: members of the Reformed Church, Lutherans, Jews, Muslims, Karaites, Krymchaks, etc. Differentiation on national lines (Russians, Bulgars, Greeks, Moldovans, Romanians, Slovaks, Poles) does occur in religious organizations, but the national spiritual needs of believers are satisfied by holding services in national languages. The emphasis on satisfying the spiritual, cultural and religious needs of national minorities is a feature of policy towards all traditional faiths, and also towards certain new religious movements operating in Ukraine.

99. On 1 April 2002 there were 844 officially registered national minority religious communities. Since independence their number has increased by 617, or by a factor of 4.5. Since 1992 the number of communities affiliated to the German Evangelical Lutheran Church and the Armenian Apostolic Church has increased eightfold; the number of Jewish communities by a factor of 5.5; and the number of Muslim communities thirteenfold. Eighty-eight per cent of national minority religious organizations have premises to hold prayer meetings, which is 12 per cent more than the comparable index for the availability of places of worship for religious

organizations. National minority religious organizations are served by 591 clerics, 75 per cent of what they require. With the assistance of the local authorities, ethnic religious minorities are setting up elementary religious schools.

100. The upward trend in the number of ethnic religious communities is continuing, and the rate of increase is accelerating. This empirical fact highlights the ethnic identity of national minorities and the importance which they attach to it.

101. The State is making a constant effort to establish equal conditions for the exercise by national minorities of their right to religious choice and religious freedoms on the same footing as persons belonging to the nation that represents the majority of the population. It supports the integration of ethnic religious minorities into Ukrainian society and makes consistent efforts to develop the religious identity of ethnic communities, while paying special attention to the strengthening of religious infrastructure, the return of places of worship and religious property, the setting up of religious educational establishments and the publication of religious literature; it also encourages cultural ties between ethnic religious minorities and their co-religionists abroad.

102. It is a criminal offence to violate citizens' equal rights on the grounds of race, nationality or attitude to religion. Article 161 of the Ukrainian Criminal Code stipulates that actions calculated to foment national, racial or religious hatred or enmity, diminish national honour and dignity or outrage the feelings of believers, directly or indirectly to restrict the rights or to bestow direct or indirect privileges on the grounds of race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, or linguistic or other characteristics, shall be punishable by a fine of up to 50 times the minimum wage before tax or by punitive deduction of earnings for up to five years, with or without forfeiture of the right to exercise certain official duties or engage in a specified activity for up to three years.

103. It should also be noted that, under article 67, paragraph 1 (3), of the Criminal Code, the commission of an offence motivated by racial, national or religious hatred shall be deemed an aggravating circumstance for sentencing purposes.
