



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
30 December 2011
English
Original: French

Committee on the Elimination of Racial Discrimination Seventy-ninth session

Summary record of the 2104th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 August 2011, at 3 p.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under
article 9 of the Convention (*continued*)

Nineteenth to twenty-first periodic reports of Ukraine

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** (*continued*)

Nineteenth to twenty-first periodic reports of Ukraine (CERD/C/UKR/19-21;
CERD/C/UKR/Q/19-21; HRI/CORE/1/Add.63/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Ukraine took places at the Committee table.*
2. **Mr. Maimeskul** (Ukraine) said that his country was a democracy that guaranteed the equality of all citizens before the law, regardless of their ethnic origin, religion or mother tongue. The results of the 2001 national census had shown that the population comprised 78 per cent Ukrainians, 17 per cent Russians and nine other groups, each comprising more than 100,000 persons, namely Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians, Romanians, Poles, Jews and Armenians. In the Autonomous Republic of Crimea, the Government had to resolve a number of complex problems related to the Crimean Tatars and other ethnic groups that had been deported in 1944 by the Stalinist regime.
3. On the basis of a tradition of inter-ethnic and inter-religious tolerance, the Government had adopted a linguistic and ethnic policy, differentiated by region, in order to guarantee the rights of all of the country's inhabitants. The Ministry of Justice had developed a draft framework law banning discrimination, which should protect citizens against any form of discrimination based on race, colour, religion, ethnic origin or language. Particular importance was afforded to the right to learn ethnic minority languages, which, in Ukraine, was governed by the European Charter for Regional or Minority Languages. The State funded the publication of school textbooks in ethnic minority languages and organized courses on Ukrainian language and culture in order to facilitate the integration of members of ethnic minority groups. Ethnic minorities were able to study their language and culture at educational centres and Sunday schools. The Government promoted cultural diversity by funding the publication of books and newspapers in minority languages.
4. In 2009, the Government and the media had formed a partnership in order to guarantee freedom of information and the protection of morals, which had helped to prevent incitement to ethnic or religious conflicts. They had agreed to prohibit the dissemination of xenophobic or racist ideas and incitement to violence for ethnic or religious reasons. Dialogue between the State and civil society organizations, in particular organizations representing ethnic minorities, played an important role in maintaining a climate of inter-ethnic tolerance. To that end, national bodies had been established, such as the Presidential Council on Ethnic Policy Issues, the Council for Cultural Affairs of National Minorities and the Council for the Management of Civil Society Organization Educational Programmes. In 2010, there were no less than 1,458 ethnic minority organizations. Local governments and national minority organizations regularly collaborated to seek solutions to problems affecting minorities and to combat xenophobia and ethnic or religious discrimination. A plan to reduce racism and xenophobia had been implemented in the majority of regions in Ukraine.
5. Racial, ethnic or religious offences systematically gave rise to criminal charges, and convictions were handed down each year. A training programme on combating racism and xenophobia had been started for staff from the Ministry of Internal Affairs. The Government had also run an awareness-raising campaign to prevent aggressive behaviour towards foreigners and ethnic minorities. The number of isolated cases of vandalism at religious sites had decreased since 2007. The Council of Representatives of Religious

Boards and Centres of Muslims of Ukraine, which had been established in 2009, was responsible for combating radicalism in Muslim communities and preventing clashes between Christians and Muslims.

6. The Law on Refugees and Persons in Need of Subsidiary and Temporary Protection in Ukraine, which entered into force in August 2011, defined the criteria for determining refugee status and the status of persons who need complementary protection and was fully in compliance with the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. There were two temporary reception centres for refugees but others were due to be opened. The National Employment Service provided refugees with job placement assistance and access to social security.

7. The Autonomous Republic of Crimea endeavoured to guarantee equitable representation of Crimean Tatars in the civil service and had introduced a support system for the training and promotion of members of that community. As a consequence, their number was increasing in national and local political and administrative bodies. The creation of favourable conditions for the return, resettlement and social reintegration of Crimean Tatars, Bulgarians, Armenians, Greeks and Germans that had been deported in the past was a key priority for the authorities. In 2006, the Cabinet of Ministers had approved the implementation of a programme of resettlement and reintegration for people who had previously been deported, to run until 2010.

8. **Ms. Shpyniak** (Ukraine) called the Committee's attention to two positive amendments that had been made to the Act on Refugees and Persons in Need of Subsidiary and Temporary Protection in order to authorize family reunification and make it possible for the children of refugees to obtain the same status as their parents. Ukraine was working in close collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) with regard to the reception of refugees. The Government planned to house the 1,500 to 2,000 asylum-seekers that arrived in rural areas each year and had started to develop a refugee integration programme to run until 2020 in order to protect the rights of refugees, particularly with regard to employment and housing.

9. She noted that the reintegration assistance programme for Crimean Tatars had made it possible to build large amounts of housing and nine schools, even though the reintegration process itself was far from being achieved. A number of measures had been taken to preserve the language, culture and traditions of the Roma minority. The Ministry of Culture and Tourism was funding the organization of Roma cultural events and the Ministry of Education and Science and local governments were endeavouring to integrate Roma children into the regular school system.

10. **Mr. Yur'ev** (Ukraine) said that the draft framework law to combat discrimination would include definitions of both direct and indirect discrimination, establish prevention, control and suppression measures, determine the penalties applicable and define the obligations of bodies responsible for combating discrimination. The Ministry of Justice had finalized its strategy to combat discrimination, which would establish the main thrust of national policy on discrimination and organize collaboration between national and local governments and between those governments and NGOs.

11. **Mr. Tikhonov** (Ukraine) explained that the Ministry of Internal Affairs had taken practical measures to combat discrimination, xenophobia and anti-Semitism. The number of serious offences against members of national minorities had risen between 2006 and 2009, but since 2007 the authorities had been addressing that trend by implementing a strategy to prevent xenophobic offences and by collecting statistics on the offences committed against foreigners. Since 2004, 27 prosecutions had been brought for different offences in which xenophobic or racist aspects had been brought to light (premeditated crimes, assaults, desecration of graves, vandalism of monuments, dissemination of racist publications, etc.).

In collaboration with American experts, the Ministry of Internal Affairs focused on improving the investigation methods for crimes committed against foreigners.

12. **Mr. Thornberry** (Country Rapporteur) said that Ukraine had not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Status of Stateless Persons, the Convention on the Reduction of Statelessness, and the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). He wished to know whether civil society organizations had been consulted during the drafting of the report and whether the constitutional guarantees of equality and freedom applied equally to citizens and non-citizens residing in Ukraine.

13. He requested information on the department of the Ministry of Internal Affairs responsible for implementing a strategy to combat ethnically-motivated crimes, and on the abolition of the State Committee on Ethnic and Religious Affairs, whose mandate had been entrusted to the Ministry of Culture and Tourism, and of the Interdepartmental Working Group on combating xenophobia and ethnic and racial intolerance. The delegation was also invited to provide updated information on the activities of the Parliamentary Commissioner for Human Rights regarding complaints. Referring to article 3 of the Convention, he called the attention of the delegation to general recommendation No. 29 of the Committee, and in particular to the fact that segregation could be the unintentional result of the actions of private persons, and the invitation to States parties to monitor trends which gave rise to racial segregation and to report on all activities in that regard in their periodic reports.

14. He stressed that Ukraine should supplement its Criminal Code in order to bring it into line with article 4 of the Convention. He asked why article 161 of the Criminal Code, which was the main provision to combat racism and intolerance, protected only Ukrainian citizens from the different types of offences. He also noted that the article in question punished attacks on national honour and requested additional information on that provision. He expressed regret that the same article did not prohibit the dissemination of ideas based on racial hatred and incitement to racial discrimination. He also wished to know more about article 67 of the Criminal Code and asked whether racial or religious motives for offences constituted aggravating circumstances. He asked whether there were plans to amend the Civil Code and administrative provisions regarding the publication of racist comments in the press.

15. He requested information on the progress made to assist Crimean Tatars who had been deported in the past to recover their rights and, in particular, their confiscated property and land. In reply to the authorities' argument that there was no law on the restitution of land, the Tatars had said that the Civil Code contained the necessary provisions to protect their rights. According to the Tatars, other groups, such as the Karaites and the Krymchaks, faced similar problems. The Tatars had also said that they faced difficulties in studying their mother tongue and finding employment, that they were the target of hate speech, their cemeteries were desecrated and their political representation was poor. He suggested that a law on indigenous peoples would improve their situation.

16. He noted some significant differences between the 2001 census, which identified 40,000 Roma in Ukraine, and the data supplied by NGOs, which provided a figure 10 times higher. According to some sources, there were "specialist" schools for Roma children in Odesa. He invited the delegation to provide further information on those points. He also asked why in the regions of Zakarpattia and Odesa, where Roma were strongly represented, general schoolteachers worked with children from that community to ensure their social adaption (paragraph 244 of the report). He wished to know whether the official language was not promoted at the expense of other languages and whether the new

linguistic policy adopted in 2010 respected the freedom of any person to speak the language of their choice.

17. Quoting sources reporting the practice of racial profiling of foreigners and particularly non-European citizens by the police, he asked whether police officers had been prosecuted for that practice. He wished to know what specific measures were planned to combat racism in sport, particularly in preparation for the European Football Championship, which was to be hosted by Ukraine in 2012.

18. **Mr. Diaconu** said that, according to a number of sources, small extremist groups were more and more frequently attacking foreigners, particularly non-Europeans, and he asked what measures the State party had taken to protect non-citizens and ensure that the authors of xenophobic acts were brought to justice. He also wished to know why Romani was not used as a language of instruction in schools for Roma children, particularly in Zakarpattia.

19. He regretted that Ukraine refused to consider Ruthenians as a national minority and invited the State party to reconsider its position, taking into account the size of that community and its linguistic and cultural characteristics.

20. **Mr. Avtonomov** expressed concern at the increase in the number of acts of vandalism and xenophobia committed by extremist organizations within the State party and asked what measures had been taken to punish the perpetrators and to combat xenophobia and anti-Semitism on the Internet. He asked why the Human Rights Department of the Ministry of Internal Affairs, which had been responsible for providing training on human rights to police forces, had been abolished. It would be useful to know whether budgetary restrictions or political considerations had been the reason for the abolition of the Department.

21. He encouraged the State party to take measures to monitor the registration of refugee children in order to ensure that they were not deprived of their social, economic and cultural rights, particularly their right to education. He asked whether Ukraine had implemented the ILO recommendations on combating discrimination against Roma in employment. He asked why the State party refused to consider the Ruthenians as a distinct ethnic group.

22. **Mr. de Gouttes**, noting that Ukraine had undergone the universal periodic review of the Human Rights Council in May 2008, asked whether the Government had softened its position with regard to two recommendations that had been rejected at the time, namely the recommendation to create an independent monitoring mechanism to investigate cases of torture and the recommendation to systematically incorporate and maintain a gender-specific perspective in the universal periodic review monitoring process.

23. He requested additional information on the mandate and remit of the numerous authorities established in order to implement a strategy to combat racial and ethnic discrimination. He welcomed the new criminal law provisions regarding racially-, ethnically- or religiously-motivated offences, which increased the severity of sentences for those offences, and hoped that the new provisions would make it possible to criminalize all the acts covered by article 4 of the Convention. He wondered whether the low number of prosecutions brought for racist acts was due to the fact that victims needed to have Ukrainian nationality and asked whether the nationality criterion was always applied. Finally, he asked what the State party was doing to end the occasional attacks against rabbis and Jewish students and the desecration of mosques and Muslim cemeteries.

24. **Mr. Amir** asked what protection the new legislation on immigration and asylum offered to asylum-seekers and refugees, particularly with regard to access to health and education. He also wished to know whether asylum-seekers could now be assured that their

case would be examined as quickly as possible, and what would happen to those that were not fortunate enough to be given a place in a reception centre. He also asked whether Roma preferred to not identify themselves as such in order better to integrate into Ukrainian society and whether, in school textbooks, there were references to the Jewish and Roma holocaust.

25. **Ms. Dah** asked whether the Ukrainian Government planned to control the proliferation of neo-Nazi organizations by monitoring their use of modern methods of communications, such as instant messaging, social networks and e-mails. She wished to know about the measures implemented to ensure respect of article 7 of the Convention and asked whether training on human rights was organized throughout the country.

26. **The Chairperson** asked what measures the State party had taken in 2011, the International Year for People of African Descent, to stop violence against the so-called visible minorities, in particular those of African origin.

27. **Mr. Calí Tzay** requested information on the situation of the Crimean Tatars, who had been recognized in national legislation as an ethnic group but not as an indigenous group, and on bilingual and intercultural education.

28. **Ms. Crickley** wished to know whether the State party had implemented programmes to combat racial discrimination and racism against young people and whether it was taking measures to combat the dual discrimination faced by women from minorities as a result of their sex and ethnic origin.

29. **Mr. Ewomsan** wondered about the true causes of the racism which seemed to be rooted in Ukrainian society and suggested that the classmates and friends of the many Africans who had studied in Ukraine, as had been common at the time of the former Soviet Union, could help change that situation.

30. **Mr. Maimeskul** (Ukraine) said that Ukrainian society was known for being tolerant, welcoming and open; unfortunately that did not prevent isolated occurrences of racism or racial discrimination. He assured members of the Committee that his country was working to bring an end to such acts.

The meeting rose at 6 p.m.