

**COMMENTAIRES DE LA PART DES AUTORITÉS NATIONALES
UKRAINIENNES SUR LE TROISIÈME RAPPORT DE L'ECRI SUR
L'UKRAINE**

L'annexe qui suit ne fait pas partie de l'analyse et des propositions de l'ECRI concernant la situation en Ukraine.

L'ECRI rappelle que l'analyse figurant dans son troisième rapport sur l'Ukraine est datée du 29 juin 2007 et que tout développement intervenu ultérieurement n'y est pas pris en compte.

Conformément à la procédure pays-par-pays de l'ECRI, le projet de rapport de l'ECRI sur l'Ukraine a fait l'objet d'un dialogue confidentiel avec les autorités ukrainiennes. Un certain nombre de leurs remarques ont été prises en compte par l'ECRI, qui les a intégrées à son rapport.

Cependant, à l'issue de ce dialogue, les autorités ukrainiennes ont demandé à ce que leurs points de vues suivants soient reproduits en annexe du rapport de l'ECRI.

“Comments of the State Committee for Nationalities and Religions on ECRI’s draft Third report on Ukraine

In Ukraine according to the national legislation and in conformity with the common international norms and standards the central bodies of the executive power, other institutions realize appropriate measures on providing of rights and basic freedoms to the citizens of Ukraine.

The legislation of Ukraine guarantees equal political, economic, social and cultural rights to the citizens of Ukraine who are representatives of different nationalities living on its territory.

The constitution of Ukraine (Article 24) reads that citizens have equal constitutional rights and freedoms and equality under the law.

Part II of this article declares these equality by privileging prohibition and restrictions in constitutional rights and freedoms of the citizens not taking in the account their race, colour of skin, political, religions and other views, sex, ethnic and social origin, place of residence, by language, etc. Such norms that refer to foreigners and stateless persons are described in the Law of Ukraine “On Judicial Status of Foreigners and Stateless Persons”

According to the Article 26 of Constitution of Ukraine and part I Article 2 of the above mentioned law, foreigners and stateless persons that state in Ukraine legally enjoys the same right and freedoms as well as have the same duties as citizens of Ukraine, - exceptions are some norms established by Constitution, laws and international agreements of Ukraine. We can refer such restrictions to election process and military service.

One of the guaranties of the constitutional equality principal under the law is criminal responsibility for violation of equality of citizens according to their nationality or ethnic origin (Article 161 of the Criminal Code of Ukraine).

Last year General Prosecution of Ukraine examined the draft law (№2252, 08.11.06), send by AP of Ukraine Mr. Feljzman that brings some changes in to point III part 1 Article 67 and part 1 Article 161 of Criminal Code of Ukraine.

The draft law provides criminal responsibility not only for intend deeds enhanced to national racial or religion violations and intolerance and distributes for all persons in the territory of Ukraine and not only for the citizens. For violation of persons feelings concerning their racial and ethnics origins, colour of the skin and language.

General Prosecution of Ukraine did not support the draft law referring to the fact that such violation can be made with directed intend only. Such as burning up national, racial, and religion violations, humiliation of national dignity, etc.

Today the Law “On Languages in Ukrainian SRS” adopted in October 27 1989, and entered in to force on January 1, 1990 functions in Ukraine. The need for the adoption of the new law is obligatory because of the realization of Articles 3,10, 11,21,22, 24, 53 of Constitution of Ukraine and implementation if the European Charter of regional and minority languages ratified by the Verkhovna Rada of Ukraine

Several draft laws of new law on languages were developed (including the draft base law of Ukraine on languages of Ukraine) and were send to Verkhovna Rada of Ukraine.

One of main judicial act of Ukraine concerning national minorities is the Law of Ukraine “On National Minorities of Ukraine” adopted on June 25, 1992. Its guaranties: equal political rights, social, economic and cultural rights and freedoms not taking into account national origin (Article 1), the right for national and cultural independence (Article 6), the right to be elected in the equal base the legislative, judicial, executive authorities, local and regional institutes, to army, to enterprise, institutions and organizations (Article 9), etc.

In Verkhovna Rada of Ukraine there is the draft law of Ukraine “On Changes to the law of Ukraine “On National Minorities in Ukraine” (new edition). This law established conditions of protection of the right of national minorities in accordance with international obligations.

For better procedure of giving the refugee status in Ukraine and improvement of the law of Ukraine "On Refugees" taking in to account the legislation of EU, the draft law "On Changes to the Law of Ukraine", "On better procedure of giving the refugee status in Ukraine" is working up right now.

That is why Ukraine does everything possible for legal fight against racism and intolerance, and the main problem in this sphere lies in following the demands of proper legislation and its practical realization.

To the point 2

The Ministry of Justice completes preparation of the First periodic report of Ukraine about a condition of performance of the European Charter of Regional and Minority languages, in preparation, to which are all appropriate ministries and departments of Ukraine, according to Article 15 Charters (the letter № 26-91-103 from July 13, 2007).

The Ministry of Justice has sent the text of the first Periodic report to the Ministry of Foreign Affaires.

To the point 4

The European Convention on the Legal Status of Migrant Workers entered in to force for Ukraine from 01.10.2007

To the points 7 and 8

We pay attention to that in point 7 it is marked, that on July 1, 2003 for Ukraine the International Convention on the Protection of the Right of all Migrant Workers and Members of their Families has entered into force. At the same time in the point 8 the speech goes that the specified convention Ukraine has not signed and not ratified. According to the information which is available for the Ministry of Justice of Ukraine, Ukraine did not sign this international document.

To the point 9

Concerning signing the European convention about participation of the foreigners in public life at a local level is marked, that by the letter of the Head of Secretary of the President of Ukraine from July 5, 2006 №02-02/783 the Ministry of justice was informed, that with the account of inter-political processes in Ukraine, is recognized for expedient, to refrain on the given time from signing the European convention about participation of the foreigners in public life at a local level.

To the points 10-13

The second part of the Constitution of Ukraine is devoted to the rights, freedom of the man and citizen.

This section contains the constitutional instructions is rather right both duties of the man and citizen. In particular, 21 Constitutions of Ukraine all people agree with clause are free and are equal in the advantage both rights. The rights and freedom of the man are not alienated and indestructible.

In accordance with Article 22 of the Constitutions of Ukraine of the rights and freedom of the man and citizen under Constitution, are not limited. The constitutional rights and freedom are guaranteed and can not be abolished. At acceptance of the new laws or modification to the existing laws it is not supposed changes of the contents both volume of the existing rights and freedom.

Article 23 of the Constitutions of Ukraine has established, that each man has the right to free development of the person, if thus the rights and freedom of other people are not broken, and has duties before a society, in which is provided free and all-round development of its(her) person.

We pay especial attention to the remarks concerning Article 24 of the Constitutions of Ukraine in the project of the report and is marked, that, in opinion of the Ministry of Justice of Ukraine specified Articles cannot be examined separately from other parts of the Constitution of Ukraine, in particular, to Article 26, with which definitely, that the foreigners and persons without citizenship, which are in Ukraine on the lawful bases, use the same rights and freedom, and also carry the same duties, as well as citizens of Ukraine, - behind exceptions established by the Constitution, laws or international contracts of Ukraine. That is the rules of the

Constitution of Ukraine establish equality of the rights and duties between the citizens of Ukraine, foreigners and persons without citizenship.

It is necessary to note, that such position was repeatedly expressed by the Ministry of justice during preparation of the second report of the European commission against racism and intolerance (December 14, 2001). And also during meeting the deputy minister of Justice Mr. Lutkovskih with the experts of the European commission against racism and intolerance, which was held on April 18, 2007 during the next cycle of monitoring of a Commission.

Discrimination because of nationality is prohibited and punished by the law according to the Declaration on Rights of Nationalities of Ukraine (article 1).

According to Article 24 of the Constitution of Ukraine there “shall be no privileges or restrictions based on race, color of skin, political, religious and other believes, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

Article 37 of the Constitution of Ukraine prohibits the establishment and activity of political parties and public organizations if their program goals or actions are aimed at the propaganda of war, violence, incitement of inter-national, racial, religious enmity, encroachments on human rights and freedoms.

Besides, according to article 26 of the Constitution of Ukraine ‘foreigners and stateless persons who stay in Ukraine on legal grounds enjoy the same rights and freedoms as citizens of Ukraine’.

Article 4 of the Law of Ukraine “On Associations of Citizens” envisages that associations of citizens are not subject to legalization or the activity of the legalized ones is prohibited in legal form when their objectives are: the propaganda of war, violence or cruelty, fascism and neo-fascism, and incitement of national or religious enmity, restrictions of common human rights.

Consequently, provisions on equality of constitutional rights and freedoms of citizens and inadmissibility of privileges or restrictions based on race, color of skin, political, religious and other believes, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics are applicable not only to citizens of Ukraine but also to other individuals.

To the point 16

At present there are two alternative draft projects of basic law on languages registered in the Verkhovna Rada of Ukraine and also up to 30 draft laws aimed at regulation of use of the state language and languages of national minorities in separate spheres of social life.

However, before adoption of legislative act aimed at determination of general principles of language policy in Ukraine, legal and organizational basis of development and use of the state language and languages of national minorities of Ukraine, there should be determined conceptual approaches to the state language policy.

The determination of basis or ways of forming and implementation of language policy should have strategic character, it should be based on evaluation of present state and determine in complex organizational and legal mechanisms of solving of existing problems, stages of its implementation. All these issues should be regulated by Conception of state language policy.

Nowadays is completing the process of coordination of the draft Conception of state language policy in Ukraine with the concerned ministers and departments.

To the point 19

The process of agreement by the involved ministries and institutions of the draft law of Ukraine “On amendments to the Law of Ukraine “On National Minorities of Ukraine” is concluding nowadays.

Provisions of the draft law are in compliance with the international norms in the sphere of the protection of the national minorities’ rights. The draft law is the legal instrument that has to insure the interests of the citizens of Ukraine that belong to national minorities, to take into account their main social, political, cultural, linguistic, educational, information and other needs.

Article 1 of the draft law contains the following provision: “Any discrimination on ethnic, racial or religious basis as well as actions that are aimed at fomentation of the inter-ethnic, racial, religious hostility, are prohibited and punished by the law”.

To the point 24

In accordance with the Decree of the President of Ukraine No.625 of the 18th July, 2006, in 2006 the Council on Ethno politics by the President of Ukraine was created. According to the Article 5 of the Law of Ukraine “On National Minorities in Ukraine” and the Regulation on the State Committee of Ukraine for Nationalities and Religions in April 2007 the Council of representatives of the all-Ukrainian public organizations of national minorities of Ukraine was formed. These Councils are the permanent consultative and advisory public bodies. During the sessions of these councils the information is spread concerning the legislation of Ukraine in the sphere of protection of the rights of a man and a citizen and relations between nations as well as concerning the ratification of international agreements in these spheres.

Besides the SCNR as a central body of the executive power responsible for the implementation of the state policy in the sphere of relations between nations and protection of the national minorities’ rights in Ukraine within its competence carries out the appropriate preventive activities on prevention of any manifestations of intolerance or prejudices against persons on the basis of their ethnic origin. Bearing it in mind the Committee carries out the continuous monitoring of the publications concerning relations between nations, the content of which can influence the social, political and inter-ethnic stability, the letters are sent to the law-enforcement and judicial bodies if needed.

Besides during the All-Ukrainian and regional cultural and educational events, in the reports and publications in the media as well as at the Committee’s web-site a wide expository work is conducted among the representatives of different nationalities concerning the equity of rights and freedoms of a man and a citizen irrespective of

race, nationality, language, religion, participation in the public associations and groups.

To the point 28

Actually in Ukraine the legal base is formed the mechanisms of the use of which open wide possibilities for prevention of any manifestations of racism, racial discrimination, xenophobia and intolerance or prejudice against persons on the basis of their national and ethnic origin.

In Ukraine the appropriate legal actions are implemented directed to the restoration of the infringed rights and freedoms of the citizens of all nationalities.

The criminal legislation of Ukraine gives enough grounds for the prosecution of the persons for the illegal actions against the representatives of other nationalities. The persons that suffered from the illegal actions on the racial basis as a rule do not apply to the law-enforcement bodies or make them public through the mass-media.

To the points 30, 34

According to the Law of Ukraine. "On the Representative of Verkhovna Rada of Ukraine on the human rights" the purpose of the parliamentary control Are glad which carries out the Representative, is, in particular:

- Protection of the rights both freedom of the man and citizens proclaimed by the Constitution of Ukraine, laws of Ukraine and international contracts of Ukraine;
- Restraint both respect for the rights and freedom of the man and citizen by bodies of state authority, bodies of local self-management both their official and service persons;
- Prevention by infringement of the rights both freedom of the man and citizen or assistance to their renewal;
- Prevention any forms of discrimination concerning realization by the man of the rights and freedom.

In opinion of the Ministry of Justice, Representative of the Verkhovna Rada on the human rights has sufficient volume of powers for the protection of the rights and freedom of the man and citizen, including prevention of racism and racial discrimination.

To the point 36

In this point we consider reasonable to use the positive information concerning the ensuring of the rights of deported Crimean Tatars and persons of other nationalities that returned to Ukraine and we propose to state it in such wording:

"In Ukraine there are state programmes and regulations for solving social and economic problems of deported citizens; the legal acts are issued.

In the State Budget of Ukraine there is a special item for the deported persons' accommodation. The budget costs are directed first of all, for the building of housing, engineering communications, social and cultural buildings.

The Programme of the settlement of the deported Crimean Tatars and persons of other nationalities that returned to Ukraine, their adaptation and integration into the Ukrainian society until 2010 is aimed at the solution of the complex of problems of persons deported on the basis of the national origin.

According to the Law of Ukraine "On the State Budget of Ukraine for 2007" the costs for the financing of the arrangements concerning the return and accommodation of the persons deported by their national origin were approved in the sum of 71,4 millions of Hryvnias and 67,0439 millions of Hryvnias from this sum- for the capital building, 4,3561 million of Hryvnias - for the social and cultural activities.

To the points 36, 54, 78-81

The Law of Ukraine. "On Employment of the Population " defines legal, economic and organizational bases of employment of the population of Ukraine and its protection against unemployment, and also social guarantee on the part of the state in realization by the citizens of the right on work.

According to the paragraphs 1,3 and 6 of the Article 3 of the given Law the state politics of Ukraine of employment of the population is based on such principles, as maintenance of equal opportunities to all citizens, irrespective of an origin, social and property condition, racial and national belonging, sex, age, political convictions, relation to religion, in realization of the right on a free choice of a kind of activity according to abilities and professional training in view of personal interests and public needs: assistance to maintenance of effective employment, prevention unemployment, creation of new workplaces and conditions for development of business; the international cooperation in the decision of problems of employment of the population, including job of the Ukrainians citizens abroad and foreign citizens in Ukraine.

According to the article 6 of this law question related to the employment in Ukraine are adjusted by the given Law and other acts of Ukraine accepted according to this Law.

If the international contract or agreement made by Ukraine, establishes other rules, than stipulated by the legislation on employment in Ukraine, are applied

Rules of the international contracts and agreements. The legislation on employment is distributed to the foreign citizens, constantly living in Ukraine, and persons without citizenship, if another is not stipulated by the legislation of Ukraine.

Article 8 of the given Law stipulates the rights of the citizens on employment.

By this Article of the Law is established, that the citizens have the right to employment and choice of a place of job by the reference to the enterprise, establishment, organization, individual farmer facilities and to other employer or with free-of-charge assistance of a state service of employment.

The foreigners and persons without citizenship, except for employed according to the agreement on division of production, which arrived to Ukraine on the certain term, receive the right on labour activity only at presence at them of the sanction to employment given by a state service to employment of Ukraine, if another not

Is stipulated by the international contracts of Ukraine. The employment in Ukraine of the foreigners employed by the investor in frameworks and behind speciality, determined by the agreement on division of production, is carried out without reception of the sanction on employment.

In case of use of work of the foreigners or persons without citizenship, without the sanction of a state service of employment of Ukraine from the enterprises, establishments and organizations, irrespective of patterns of ownership. These means are directed to Fund of obligatory state social insurance of Ukraine on a case of unemployment.

Thus it is necessary to notice, that in Ukraine the decision of the Cabinet of the Ministers of Ukraine from November 1, 1999 № 2028 "On the statement About registration to the foreigners and persons without citizenship of the sanction on employment in Ukraine" works. Also it is necessary to note, that Article 9 of the above mentioned Law stipulates the right of the citizens on a professional advice, preparation, retraining and reception of the information in sphere of employment

According to this Article the citizens, which have addressed to a state service of employment as the persons, which search for job, have the right to professional free-of-charge orientation, advice, preparation, retraining, reception of the appropriate information with the purpose of a choice of a kind of activity, trade, place of job, mode of work.

To the point 37

We consider improper to use in the text of the report the phrase that the State Committee of Ukraine for Nationalities and Religions substituted the State Committee of Ukraine for Nationalities and Migration.

The State Committee of Ukraine for Nationalities and Religions is the central body of the executive power that was formed on a radically new model for the implementation of its aims, tasks and functions. Its main tasks include the participation in the formulation and ensuring of the realization of the state policy in the sphere of the relations between nations and ensuring of the protection of the rights of the Ukraine's national minorities, of the persons deported by their national origin that returned to Ukraine, in the sphere of migration, of the refugees and other types of migrants as well as in the sphere of religion, relations with the Church and religious organizations. The activities of the Committee is directed and coordinated by the Cabinet of Ministers of Ukraine.

To the points 41-45

On performance of order of the President of Ukraine Mr. Jushenko from July 8, 2005 №1-1/657 study in educational institutions of facultative rates on ethics and religions definitely by order of Ministry of Education and Science of Ukraine from 26.07.05, № 437.

Rate " Christian ethics " study in 4 626 educational institutions more than 65 thousand schoolboys in all regions (except for Lugansk).

The approbation of a new rate behind a choice " of a Variety of religions and cultures of the world begins with 2007/2008 academic years 1-11 classes ". The rate is constructed on interdisciplinary principles religion, culture, ethics, and aesthetics.

To teach subjects "Ethics" and facultative rates of a morally aesthetic direction can of the teacher of general educational institutions, which have passed the appropriate course preparation on base

Institutes of after graduate education of pedagogical education.

According to the legislation of Ukraine the option of study of a subject "Ethics" and facultative rates of a morally aesthetic problematic are given to the parents and their children.

The questions connected to counteraction racism and racial discrimination, are switched on to a rate under the rights of the man, in particular to rate behind a choice "We are the citizens of Ukraine ".

It is impossible to agree with the remarks concerning absence of a state body, which would adjust a question of prevention of display of racism and antisemitism in spheres of education, employment, public health services and so forth.

Concerning the offers, expressed in The Recommendation, concerning inclusion to an educational rate for the teenagers of study of struggle with racism and racial discrimination, and also introduction of a subject of Christian ethics at schools.

It is necessary to notice, that the Concept of base secondary education is directed on formation at children of intelligence, self-consciousness of a nation, development of fundamental spiritual values of mankind - freedom, validity, tolerance, culture, world, national reconciliation, based on principles of an organic combination national and universal. Those marks are fixed in the Constitution of Ukraine and other laws of Ukraine such as Law "On education", "On secondary education" and others.

To the point 50

With the purpose of improvement of the legislation the Ministry of justice in interaction with other interested central bodies of the executive authority, UNHCR Regional representative, international and public organizations has developed the projects of the laws of Ukraine. "On the Legal Status of the Foreigners and Stateless persons" (new edition) and "On the refugees and persons, that requires supplementary or temporary protection in Ukraine ".

The draft of the Law of Ukraine " On the Legal Status of the Foreigners and Persons without citizenship " is directed on realization of the constitutional rights, in particular to Article 26, which is stipulated by, that the foreigners and stateless persons, which are in Ukraine on the lawful bases, use the same rights and freedom, and also carry the same duties, as well as citizens of Ukraine, - behind exceptions established by the Constitution, laws or international contracts of Ukraine.

The draft of the law offers to settle procedure of entrance in Ukraine, order, conditions of movement and choice of a place of residing of the foreigners and stateless persons; their departure from Ukraine and condition, for which departure from Ukraine is not allowed; the order of a transit fare both registration of the

documents to the foreigners and persons without citizenship on the right to stay in Ukraine.

Thus it is necessary to pay attention that the draft of the Law contains a number of cautions to such categories of the persons as the refugees, person who requires supplementary and temporary protection.

Additions of the second administration bill is, in particular, introduction of institutes supplementary and temporary protection, improvements of procedures connected to a recognition of the person by the refugee, direct instruction on prohibition of discrimination of the refugees and persons, who requires supplementary or temporary protection, the role of UNHCR Regional Representatives in Ukraine and public organizations, precise instruction on an opportunity of legal representation of the appropriate persons, improvement of questions of translation of the documents, which concern the refugees and persons, which requires a supplementary or temporary protection, prediction of the right on free-of-charge study of the Ukrainian language.

The decision of Council) of National Safety and Defences from June 15 in 2007" About directions state migration of politics of Ukraine and urgent measures on increase of its efficiency ", President, put into operation by the decree, of Ukraine from July 20 in 2007 № 657. In point 4 the projects of the laws of Ukraine a Cabinet of the Ministers of Ukraine are marked should to develop in view of authorized Supreme Glad Ukraine of the Concept state migration policy of Ukraine, which development on today is begun by State committee on nationalities and religions.

At the same time, inexpedient the offer of the European commission concerning creation of an independent body authorized to accept of the complaint on action of the employees of police. According to the Article 2 of the Laws of Ukraine "On police" the actions of the worker of police can be appealed against when due hereunder to law-enforcement bodies, court or public prosecutor.

Also, in the Recommendations the Commission recommends to Ukraine to create an independent body, which will be authorized to accept the complaints from the refugees and persons, which search shelter on wrongful actions of the employees of police.

Thus is not taken into account that by an independent and professional body, which carries out supervision of restraint of legality by the workers of all law-enforcement bodies, including completeness of registration.

To the point 54

Considering that actually Ukraine does not have sufficient financial availabilities to provide the asylum seekers and refugees with the free social housing, we propose to state the point 54 in such wording:

“ECRI recommends the Ukrainian public bodies to improve the access for the asylum seekers and refugees to the employment by ensuring the free teaching of the language and vocational training, to provide the sufficient quantity of the Temporary Accommodation Centres for the asylum seekers and refugees, involving to this process the international financial assistance.”

To item 57

The recommendations concerning absence of enough reception-centres - it is necessary to note the following.

In Ukraine four transit inspectors - reception-centres for children (in. Kiev, Kharkov, Simferopol, Odessa). Now from them three actually work. The Odessa inspector - reception-centres for children does not function for two years, as closed in connection with a unseemly sanitary condition. Today because of the absence of sufficient financing of repair work of a question about renewal of its work is not solved.

Despite of stated, total of working special establishments satisfies needs of the present rather contents of the minor foreigners. The comparison of made children, given concerning quantity to them, testifies to presence of changes of gradual reduction. If in 2005 up to the appropriate institutions 479 minor foreigners, are made during 9 months of this year - only 184 persons.

To item 59

Condition, which has developed with restraint of the rights of the foreigners and persons without citizenship at their detention for illegal stay in Ukraine, yet completely meets the requirements the Constitution of Ukraine, Law of Ukraine " On Legal Status of the Foreigners and Stateless persons ", and also international agreements, which were ratified by Ukraine. Before the most widespread infringements it is necessary to relate the facts of an illegal premise to inspectors - reception-centres, for the persons detained on suspicion in occupying vagrancy, law-enforcement bodies.

According to Article 32 of the Law of Ukraine "On the Foreigners and Stateless persons" detained for illegal stay in territory of Ukraine (in infringement of prohibition concerning entrance to Ukraine, at absence determined by the legislation and international contracts of Ukraine of the bases for stay in Ukraine (transit travel through its territory), including stay for another's, counterfeit, which do not answer the established sample, visa , passport document), are placed in provisions of temporary stay of the foreigners and stateless persons, which illegally are in Ukraine, with the regulated internal schedule for the period necessary for preparation their turning outside of Ukraine in the compulsory order, but no more than six months.

The decision of Cabinet of the Ministers of Ukraine from July 17, 2003 № 1110 authorizes a Typical situation about point of temporary stay of the foreigners and stateless persons, which illegally are in Ukraine.

In 2006 by State Committee of Ukraine on Nationalities and Migrations in submission Ministry of Internal Affaires of Ukraine are transferred the appropriate objects in the Volynsk and Chernigov areas for creation on their base of establishments for retaining of the foreigners and stateless persons. On the given time these point do not function yet, as the works concerning their construction will be carried out.

At the same time, the condition of restraint of the laws at retaining of the persons taken under the guard, is monthly checked be prosecutions of a regional level, for elimination of the found out infringements of the documents are brought in. Thus, in

activity of investigation insulator the essential lacks take place. In particular, the financially - household conditions for made yet do not satisfy to the established norms, on what the General public prosecutor of Ukraine informed Government of the state for the use of measures adequate situation, which has developed in these establishments.

General Prosecution of Ukraine in November of the current year the complex check of restraint of the laws in the Kiev investigation isolator is carried out. The numerous infringements of the constitutional rights made are found out. For elimination of infringements of the laws which have been found out by check, the representation to the Chairman of State department of Ukraine will be brought in on performance of punishments with the requirement to involve in responsibility the wine officials.

With the purpose of finding - out of a real condition of restraint of the international and national standards in a course of retaining made in investigation insulator to branch managements General Prosecution of Ukraine is planned to give the offers to the plan of work General Prosecution of Ukraine concerning realization at the beginning of the 2008 of checks of restraint of the laws at all inspectors isolators in territory of Ukraine.

To the point 62-64

The recommendations to the point which could be stated in such edition.

63. ECRI calls the Ukrainian authority to arrange concerning investigation of attacks on the students - foreigners and appropriate punishment. She also recommends, that the measures on increase of trust of such students to police were carried out recommends in each special case to give an estimation to tactless actions of police to the students - foreigners, including punishment guilty of such actions. She also recommends, that the measures are mentioned above were used with the purpose of improvement of job of bodies of protection of the legal order.

64. ECRI persistently recommends, that the Ukrainian bodies of authority have ensured realization with university administrations of the appropriate measures on maintenance for the students - foreigners of a safe environment, in particular, organizing adequate safety in student's hostels. ECRI recommends, that the students advised and involved in any measures with the purpose of improvement of their safety, as in territory, and outside of student's hostels.

To the point 62

In Section " Foreign students " the display of concern sideways authorities of Ukraine concerning a problem of the task neo-fascism and skinheads group in to Ukraine of violence to the foreign students is marked about a recognition ECRI by the important step, but the divergence of bodies of police on these questions is marked. As the example is given not an establishment of the persons guilty of murder of the student from Gambia of Air university.

As in the Report is not given of concrete examples of offences on the part of the workers of law-enforcement bodies, to confirm them or to deny there is no opportunity.

According to available in General procurator by the information during 2007 in Ukraine by courts of criminal cases about crimes the xenophobia, accomplished on ground, kindling of national and religious enmity were not considered. On the given time of business of the given category in realization of courts nor are.

The study of the marked problematic testifies, that the facts of wrongful actions concerning the foreigners, persons without citizenship are checked by law-enforcement bodies in the order, established by the law, on the common bases, they give a legal estimation according to the requirements of the current legislation. Any decisions in this occasion can be appealed against to the prosecution or court.

At the same time, here and there acquaintance of the members of the European Commission against racism and intolerance (ECRI) with separate problem questions connected to the racism and intolerance seems superficial. In this connection, not an estimation of a condition of performance Ukraine of the obligations under the international contracts in sphere of struggle against racism and intolerance, protection of the rights of national minority, and also some working acts, including Constitution of Ukraine always is objectively given.

During last years to General Prosecution of Ukraine the significant amount of appealing were concerning kindling by the service persons of Interregional academy of management of the personnel inter-nationality of enmity, humiliation of honour and dignity of the citizens acts in connection with their national belonging)

In particular, since 2002 by a magazine "Personnel" and newspaper "the Personnel plus" (the printed editions of MAUP) are regularly published materials on so-called "to the Jewish question ". Clauses also are placed which have the certain attributes of the antiAmerican and antilsraeli orientation. Specified causes a significant public resonance and indignation of public Jewish organizations, including international.

To the point 69

The State Committee of Ukraine for Nationalities and Religions and other central public bodies and institutions collaborate with the Roma national and cultural organizations the activities of which are aimed at the conservation and development of their national originality.

It will be possible to eliminate the difference that exists in the statistical data regarding number of Roma provided by the Roma organizations and actual official statistical data of the All-Ukrainian Population Census of 2001 only after the All-Ukrainian Population Census will take place in 2011.

To item 70

On April 27 this year in State Committee of Ukraine on Nationalities and Religions" were held "The Analysis of realization of the program of welfare revival of Rum in Ukraine ".

With the purpose of development and the preservations of cultural variety of national minority of Ukraine, their traditions, customs by a Cabinet of the Ministers of Ukraine of May 22, 2007 are approved " Complex measures on realization of state politics in sphere international relations and development of cultures of national minority for the period

till 2010", according to which during 2007-2010 years the realization of a some measures directed on spiritual revival of Roma of Ukraine is provided.

Now Ministry of Foreign Affaires of Ukraine together with the involved ministries and departments are working on the question of connection of Ukraine to "Decade Roma integration 2005-2015 studies".

To items 71-74

The complex of questions connected to maintenance of educational needs of Roma was included in the plan of measures of Ministry of education and science of Ukraine (order from 13.10.2003 № 687), that was developed with the purpose of realization of the Program of socially spiritual revival of rum of Ukraine for the period till 2006.

Among the basic directions of work of managements of education and science of regional state administrations prime there is a question on the maximal attraction of Roma children to study in general educational institutions, that will allow to overcome such of the negative phenomena, as houseless, poverty, vagrancy, criminality etc.

The bodies of management of education carry out the obligatory account of children and teenagers of school age, including Roma nationality. However this process is complicated because of the absence of a constant place of residing of the separate representatives of Roma population.

The teachers together with the workers of social services and law-enforcement bodies study conditions of residing of Roma children, the preventive work is conducted with the purpose of overcoming negative displays, the constant control of visiting lessons is carried out. To children from these families there is a material help from fund that allows to provide the pupils with the textbooks separate writing goods, free-of-charge hot meal, clothes.

During summer vacations to put the Roma children is sports improving camps.

With the purpose of propagation of a healthy image of life among children in areas the process concerning maintenance of general educational institutions is begun, is especial where Roma children are special literature. The question concerning formation of skills of a healthy image of life at children and youth constantly covers in mass media, in particular, magazines "the World of education", "Psychologist", newspaper "Education of Ukraine" and others.

The teachers hold individual work with the parents of children concerning obligatory visiting lessons by the children, propagation of institutions is created, in which Roma children study. The number of Sunday schools is increased, where the traditions and Roma culture are studied with Ukrainian and Roma languages, literature, history.

In connection with transition of general educational institutions to new system (12 years of studying) on a competitive basis first was developed in Ukraine the program on Roma language and literature of educational institutions with the Ukrainian language.

Proceeds the work on creation of the textbooks on the Roma language and literature for 1-4 and 506 classes.

However, the questions connected to education of Roma population, remain difficult. The certain part of Roma does not have precise position concerning study of their children in general educational institutions. The great importance in reception of complete secondary education is played social and family household conditions, early marriages, demographic seasonal migrations of the parents, unemployment, low layer of ethnic intelligence and so forth.

First of all, Roma public organizations should be involved in the new approaches of process with children Roma origin.

To items 75-76

The department of criminal search of the Ministry of the Foreign Affairs of Ukraine involves a number of organizational and practical measures directed on reduction of negative influence of the criminality on operative conditions in the state, disclosing of heavy and especially heavy crimes, activization of job on search of criminals, which evade from serving criminal punishment and on search of unknown of the missed citizens. However all actions of the workers of criminal search at realization of measures under the prevention and disclosing of crimes, formation of the appropriate databases are carried out on principles of severe observance of the Constitutional rights of the citizens. It is exclusively within the framework of the current legislation of Ukraine, which to not contradict the international norms.

In case of fulfilment of the social dangerous action, which contains attributes of a crime or administrative offence, the representatives be what ethnic or interconfessional group bear responsibility at a level with other citizens of the state. They are done responsible according to with the current legislation of Ukraine. The persons, who have made mentioned action, linger over by law-enforcement bodies on the basis of appropriate Article of the Criminal Code

On the control at the Ministry of Foreign Affairs of Ukraine is a question concerning a condition of counteraction to crimes accomplished concerning the foreign citizens in territory of the state, displays racism and xenophobia.

To the point 78-81

According to the program of socially spiritual revival of Roma of Ukraine for the period till 2006 by the Ministry of Labour and social politics of Ukraine together with voluntary public association "Forumo Romen Ukrainatar" is developed the plan of measures on employment both training for a new profession of the unemployed persons of Roma nationality and granting by it of support in development of small business.

The regional and base centres of employment applies, according to the specified measures, organizational and practical job. In particular, the business relations with the overwhelming majority of public organizations the gipsy in Ukraine, among which Roma community in Zakarpatya "Rum", Roma national communities "Romen" in Donetsk, Kherson urban Roma community, Kharkov urban " Fund Lovari ", Vinnitsa public organization of rum " of Rum Podilja", Nikolaev regional public organization " Rum on Drom " and other organizations were established.

With the purpose of formation of positive motivation to job at the base centres of employment the job with the unemployed Roma was spent individual professional orientation, the information seminars are spent.

The regional and base centres of employment constantly cooperate with local bodies of the executive authority and bodies of local self-management on assistance of employment Roma.

In cases of the reference of the persons of this nationality to a state service of employment, they receive complete list of the services, stipulated by the legislation.

To the points 82, 83

In Ukraine all layers of the population, including immigrants, refugees, asylum seekers are provided with health services according to working

By the legislation, which denies all forms of discrimination.

According to the order Ministry of Health Protection of Ukraine from 19.11.2003 № 535 " On performance of the Program of socially spiritual revival the gipsy of Ukraine for the period till 2006 " during 2006 by institutions and establishments of public health services of Ukraine the educational job concerning questions of a healthy image of life, social protection and preventive maintenance of offences among children and teenagers of this nationality with attraction to her of mass media, edition of special sights, posters, booklets proceeded informationally.

At the regional centres the wide arsenal of methods and means of sanitary educational work, including, and among the Roma is used, on social protection of public health services of children and teenagers from families with a lot of children, encouragement of birth rate and reproductive health of the women, propagation of a healthy image of life, preventive woman health, propagation of harmful habits (smoking, alcohol, drugs, glue sniffing), tuberculosis, offences among the minor, prevention of a children from many children family. The department of propagation of a healthy image of life of the regional centre of information and analytical technologies keeps account the sanitary educational job which has been carried out by the medical workers of health-preventive institutions of area, including among Roma's.

The medical workers constantly spend sanitary educational job at schools by the edition of special sights, booklets, cards concerning questions of a healthy image of life, social protection and preventive maintenance of offences among children and teenagers of Roma a nationality. The complex medical surveys of children were carried out, including teenagers of Roma nationality agrees with the established specifications in conditions of general educational institutions of 1 degree and behind the reference, at requirement - the treatment in medical area is supplied.

To the point 94

Ukraine does not hide an existing problem of reduction of a level of public tolerance in the country. However it is not the extremely Ukrainian phenomenon, and unfortunately, is the all-European tendency, which overcoming requires not only efforts on the part of governments of the countries, but also, first of all, of public, as

only by joint efforts it is possible to create the effective mechanism for the control and prevention such phenomena. The data, submitted by the Jewish public organizations, to monitoring of a condition of displays antisemitism in Ukraine is the certificate it, as five years ago similar professional researches in Ukraine were not spent.

The government of Ukraine occupies a precise position in a question of condemnation and struggle with displays of xenophobia, antisemitism and national intolerance, and also rather antisemitic activity of Interregional academy of management of the personnel. Any incidents directed against the representatives of the Jewish community or other nationalities and their property, are closely examined by state and law-enforcement bodies. Any similar case has not remained the unnoticed maximum management of the country.

Besides, it is necessary to note, that the maintenance of equality of the citizens is one of general constitutional principles, on the basis of which the laws of Ukraine provide concrete mechanisms, which provide its effectiveness.

In particular, Article 161 of the Criminal Codes of Ukraine establishes a number of measures of criminal-legal influence (from punishment as the penalty to deprivation of freedom for up to five of years) for deliberate actions directed on kindling of national, racial or religious believes and hatred, on humiliation of national honour and dignity or image of feelings of the citizens in connection with their religious belief, and also direct or indirect restriction of the rights or establishment of the direct or indirect privileges of the citizens to attributes of race, colour of skin, political, religious and other belief, sex, ethnic and social origin, property condition, place of residence, language or other attributes.

The Criminal Code also provides the responsibility for actions connected to damage of religious structures or cult houses (Article 178), illegal keeping or destruction religious sacred object (Article 179), to hinder realization religious ceremony (Article 180).

The point 3 part I Article 67 of the Criminal Codes of Ukraine establishes, that the fulfilment of a crime on ground of racial, national or religious believes is emollient circumstance at purpose of punishment for the perfect crime.

The question concerning inadmissibility of use of printed mass media with the purpose of kindling racial, national and religious believes is determined by Article 3 of the Laws of Ukraine " On Printed mass media (press) in Ukraine ", of the Article 2 Laws of Ukraine " On TV both broadcasting " and Article 46 of the Laws of Ukraine " On information ".

With the purpose of prevention distribution of xenophobia, racial and antisemitic information through computer systems in April in 2005.

In November 2007 the Ministry of Foreign Affaires of Ukraine has entered a separate post of the Ambassador under the special orders on counteraction racism, xenophobia and discrimination. The basic task, which is necessary on the Ambassador, is the job directed on the prevention and the use of the appropriate measures on struggle with antisemitism, counteraction of kindling international and interconfessional conflicts

in Ukraine that coordination of measures and actions in this context with other ministries and departments.

In a Service of Safety of Ukraine on behalf of the President of Ukraine separate is created subdivision from revealing and cancellation directed on kindling of racial or national enmity.

To the point 100

The State Committee of Ukraine on Nationalities and Religions within the limits of the competence carries out appropriate prevention measure on prevention any displays of intolerance or prejudiced relation to the persons, taking into account their ethnic belonging. With this purpose the constant monitoring of the publications on questions the international relations is spent, the tendentiousness of which contents can influence social - political and interethnic stability, in case of necessity the letters to law-enforcement and judicial bodies are directed.

Besides within the framework of realization all-ukrainian and regional cultural educational measures, during statements and publication in mass media, and also on a web-site of Committee the work among the representatives of different nationalities concerning equality of the rights and freedom of the man and citizen irrespective of race, nationality, language, religion believes, belongness to public associations and groups is spent versatile.

In Ukraine at participation of the state and Jewish public organizations the International centre of tolerance in one the city of Kiev, which annually spends research on any displays of racial discrimination among the population of the country.

The effective form of distribution of tolerance among youth of the representatives of a different nationality became realization of annual summer children's and youth camps "Source of tolerance" and regional clubs of tolerance.

To the point 104

Concerning the recommendation to the authority to impress on mass media, without encroaching on their editorial independence, of needs of supply, that the report does not promote creation of an atmosphere of animosities and tearing away in relation to the members of any ethnic group of minority or against selectors shelter, of the refugees and immigrants is marked.

By part I article 46 of the Laws of Ukraine " About information " is established, that the information can not be used for appeals to an overthrow constitutional building, infringement of territorial integrity of Ukraine, propagation of war, violence, cruelty, kindling of racial, national, religious enmity, fulfilment of the terrorist acts, encroachment on the rights and freedom of the man.

By the paragraph 5 part I article 3 of the Laws of Ukraine "On printed mass media in Ukraine" are established, that printed mass media in Ukraine can not be used, in particular, for kindling racial, national, religious enmity.

Simultaneously, according to the Laws of Ukraine "On TV and broadcasting" the state by all possible lawful means does not suppose in information and other TV and radio programs regular purposeful groundless attention on war, violence and cruelty,

kindling of racial, national and religious enmity or their positive treatment, and also provides ideological and political pluralism in sphere of Audiovisual mass media.

As to the recommendations concerning creation of a institution, which would consider the complaints of independent press is marked, that according to the Article 55 of the Constitutions of Ukraine of the right and freedom of the man and citizen are protected by court. To everyone guaranty the right to appeal in court of the decisions, actions or divergence of bodies of state authority, bodies of local self-management, official and service persons is guaranteed.

Simultaneously, the Ministry of Justice prepares the project of the order of a Study of the Ministers of Ukraine " About approval of the Concept of the project of the Law of Ukraine " On changes in the Law of Ukraine " On information " and is sent when due hereunder in a Cabinet of Ministers of Ukraine (letter of Ministry of Justice from October 24, 2007 for № 21-9-9247; 21-9-3990).

By the project of the Concept of the project of the Law of Ukraine " On changes in the Law of Ukraine "On information " is stipulated creation of a separate independent special body for realization of effective supervision behind maintenance of the right of the citizens on access to the information.

State committee of TV and Radio broadcasting of Ukraine and National council of Ukraine on TV and the broadcastings promote distribution through regional and regional TV and radio programme, printed and electronic mass-media of the information concerning practical realization of the legislation in international relation sphere and protection of the rights of national minority in Ukraine.

To the point 120

By a condition on April 01, 2007 in Independent Republic of Crimea is registered 1312 religious organizations 48 confessions. Original Crimean specificity is that almost 30 % of religious organizations is created on ethnic-professional attribute and represent not Christian religion.

For comparison: the part of not Christian religious organizations in a common religious network of Ukraine makes 3,5 %.

The religious situation in Crimea, despite of some ambiguity, with each year becomes more stabile, to what the absence of extreme displays of religious fanaticism and extremism testifies.

It is unconditional, that the process of adaptation of deported persons to the environment of Crimea passes not always tolerantly. A major factor in occurrence of disputed situations are the difficult economic and household conditions.

Today, in Crimea we have 325 Islam organization and 5 spiritual educational institutions.

Besides that, in Crimea works 36 independent Islam communities.

Now, the Council of Ministries of Independent Republic of Crimea and Verhovna Rada of Ukraine examined question on acceptance of legislative norms directed on not assuming of distribution in region of ideas radical extremism, which could play a role

of the catalyst of negative processes in interethnic sphere of Independent Republic of Crimea.

In view of all complex of the factors, which characterize interconfessional relation in Crimea, it is possible to speak about absence for today in Crimea of the objective preconditions for interconfessional conflicts. There are separate questions at issue, which have, as a rule, political or economic component, and Council of Ministries Independent Republic of Crimea use all the measures for their decision in severe conformity with the current legislation are possible. Are arranged so that at all levels of bodies of authority the identical approaches to activity of religious organizations irrespective of the confessional belonging were applied.

With the purpose of improvement international relations and more operative decision of problems connected to realization of the rights of national minority, functions of International Council at Council of Ministries of Independent Republic of Crimea.

To points 117-122

With the purpose of a bias of cases of fulfilment of crimes to a national attribute in structure of Department of criminal search the department of an operating time and realization of strategy of struggle with ethnic criminality is created. Besides are created the departments of criminal search from disclosing crimes accomplished by the foreigners and concerning them in police departments in Kiev, Volynsk, Dnepropetrovsk, Lugansk, Odessa, Kharkov.

With the purpose of improvement internationality relations and more operative decision of problems connected to realization of the rights of national minority, functions Internationality Council at Council of Ministries of Independent Republic of Crimea.

The main tasks of these departments and sectors:

- Study, analysis and realization of the information, which available in divisions and subdivisions of the Ministry of internal affaires of Ukraine and given by foreign law-enforcement bodies concerning illegal activity of the foreigners and youth informal organizations. Maintenance of the centralized exchange of such information between law-enforcement bodies of Ukraine, states -members of CIS and law-enforcement structures of the countries of distant foreign countries;
- Direct use operative - measures of prevention and disclosing of crimes connected to the foreigners, revealing the criminal groups generated on an ethnic basis and granting of the practical help to territorial law-enforcement bodies;

In connection with a significant urgency of a problem of fulfilment of crimes, as a result of which victims become the citizens of the foreign states the Ministry of internal businesses of Ukraine applied a complex of organizational and practical measures directed on its decision.

1. Is conducted job concerning development Ministry of Internal Affaires Complex program of counteraction displays racism, which is stipulated perfection of practice of preventive work, realization of information campaign "Police of Ukraine against

racism", active attraction to cooperation of the interested public and international organizations.

2. The interaction with the representatives of mass media concerning illumination in their editions of the complete and authentic information about events of criminal character connected to the foreigners is organized.

3. With the purpose of stabilization of operative conditions on the specified direction of activity subdivision of the Ministry of Foreign Affairs are arranged behind the following directions:

These crimes, involved in fulfilment;

- The tax from regional managements of the information concerning activity in territory of the state of the considerably adjusted youth movements, their leaders, active participants, quantitative structure, intentions of fulfilment of illegal actions for acceptance of measures from the prevention of offences.

Concerning the foreigners;

- The patrol orders during maintenance of protection of the public order in streets and other public places as much as possible approached to places of the greatest concentration of the foreign citizens - of educational institutions, hostels, places of rest, locations of the Jewish cult structures and national cultural - educational institutions;

- The criminal police on children organizes preventive work with the established participants of the considerably adjusted youth organizations, skinheads and others, and also with their parents, rather than assuming infringements of the public order and approach of the responsibility for fulfilment of offences agrees with the requirements of the criminal and administrative legislation concerning the given category of the persons;

- The chiefs of regional managements spend working meetings with the leaders and representatives of ethnic minority, with the rectors of educational institutions. The interaction with the representatives of diplomatic and consular representations is adjusted. During realization of this work the objective information on events connected to the foreign citizens, circumstance of fulfilment concerning them is given

Crimes and use of the appropriate measures on their disclosing.

- By divisions of the Ministry monitoring the Internets - editions, telechannels and printed Mass-Medias is supplied, the interaction with the representatives of Mass-Media is adjusted, the interested public and international organizations are actively involved in cooperation. This year the information interchange with the representatives of the International amnesty in Ukraine and public organization the International league of protection of the rights of the citizens of Ukraine is adjusted.

During this year in territory of the state 994 crimes accomplished concerning the foreign citizens are registered from which were solved, - 438 (43,9 %).

In particular, is accomplished of deliberate murders - 18, from which were solved - 13, of heavy corporal damages with fatal consequences - 12 (were solved -10), of armed assaults - 33 (were solved - 32), of hooliganisms - 45 (were solved -7).

The overwhelming majority of crimes - 696 (70 %) is accomplished concerning the citizens of the states - members CIS, accordingly 298 (29,9%) - rather

The foreigners from other countries.

In 2007 the criminal case to attributes of structure of a crime stipulated by Article 161 of the Criminal Code of Ukraine (infringement of equality of the citizens depending on their racial, national or religion belonging), on the fact act of vandalism by the citizens of the city Odessa Mr. Litovchenko, Mr. Berdnik, and Mr. Meljnik, who in February 18 2007 have hurt gravestone plates and monuments on 3-rd Jewish cemetery, monuments to victims of the Holocaust

With the purpose of duly influence on situation connected with act of crimes by the foreign citizens and concerning them, the granting of the practical help in disclosing these crimes, Ministry of Internal Affaires of Ukraine are supervised all facts of fulfilment of crimes in territory of the state concerning the foreign citizens.

To the point 123

In Ukraine the growth of a number of the neo-Nazi groups and skinheads was not registered. The Ministry of Justice of Ukraine mostly does not permit the registration of such associations.

To the point 125

In Ukraine the central bodies of the executive power elaborate annual plans, programmes, projects of the cultural and propaganda events aimed at the public awareness raising concerning the ensuring of the rights of the national minorities of Ukraine as well as prevention of any manifestations of the racism, racial discrimination, xenophobia and intolerance or prejudice against persons on the basis of their national or ethnic origin.”