

APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Ukraine

ECRI wishes to point out that the analysis contained in its report on Ukraine, as indicated on page 7, is dated 19 June 1998, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Ukraine to engage in a process of confidential dialogue with ECRI on its draft text on Ukraine, and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer of Ukraine expressly requested that the following observations on the part of the authorities of Ukraine be reproduced as an appendix to ECRI's report.

OBSERVATIONS PROVIDED BY THE AUTHORITIES OF UKRAINE CONCERNING ECRI'S REPORT ON UKRAINE

The report, prepared by the experts of the European Commission against Racism and Intolerance, on Ukraine are considered by Ukraine as serious analytic document which contributes to the further development of the legislation of Ukraine in the sphere of combating racism and intolerance on the basis of the Council of Europe's norms and standards

However, we consider it necessary to clarify some facts and conclusions contained in the report in order to create a full and real picture of situation existing in Ukraine.

Mostly, it applies to the protection of rights of some national minorities in Ukraine, in particular the rights on education in native language and its use in written press, and the preventive measures of militia (police) aimed at fight against crime as well.

1. The monitoring of "the special autonomous status of the Crimea" (Introduction, key areas) is not an issue, which belongs to the competence of the ECRI according to Terms of reference of "ECRI's Internal and Operating Methods".

2. The complaints of some persons belonging to the national minorities and living in some regions of Ukraine on the increased use of Ukrainian in schools and in the media and difficulties they face in using their languages in schools and in written press are groundless.

- According to Article 10 of the Constitution of Ukraine the Ukrainian language is the only State language.

The Ukrainian language as a language, which has been subjected to genocide over more than 300 years, requires careful attention concerning its revival and introduction as the state language into all spheres of social and political life under conditions of development of an independent state.

At the same time Ukraine by its Constitution guarantees "free development, use and protection of the Russian language and other languages of national minorities" (Art. 10), "promotes consolidation and development of the Ukrainian nation... as well as development of ethnic, cultural, linguistic and religious identity of all native peoples and national minorities of Ukraine" (Art. 11).

So, the complaints of some persons belonging to the national minorities on the increased use of Ukrainian in the social life contradict to the international norms, notably the Hague recommendations about the national minorities' rights for education (P. 1) read: "... persons pertaining to national minorities are obligated to integrate into wider society of the State through an independent knowledge of the state language".

- According to data of 1997 (secondary educational establishments of the Ministry of Education of Ukraine - 1996-1997 Statistical Book, K. VVP "Kompas", 1998) in Ukraine 25 % of secondary educational establishments (in ECRI's report -15%) gave training in the Russian language and languages of national minorities: 2,503,839 (2,747 schools) pupils were taught in the Russian language, 34,268 (96 schools) - in Romanian, 21,030 (65 schools) - in Hungarian, 4,230 (17 schools) - in Moldovian, 2,834 (6 schools) - in Crimean-Tatar, 1,075 (3 schools) - in Polish, 66 - in the Bulgarian language and 54 - in the Slovak language. These data are quite correlated with quantitative composition of ethnic population of Ukraine in which the citizens of non- Ukrainian origin account for some 25 %.

- Concerning the Moldovian and Romanian minorities the following data on the net of schools with study in the languages of this minorities should be mentioned:

	1996-1997 academic year	1997-1998 academic year
in the Moldovian language	17	18
pupils	4,230	4,509
In the Romanian language	96	97

pupils

34,268

34,352

Any school with study in the Moldovian or Romanian languages has not been closed since the emerging of Ukraine as an independent state.

Thus, in the 1997- 1998 academic year in Odesa oblast (region) 11 schools with the Moldavian language of teaching were functioning. The Moldavian language as subject at schools with other languages of training was studied by more than 3,000, as an option by - 479 pupils and in 18 pre-school establishments as well.

These data agree with the quantity of the Moldavian (about 144,000 persons) and Romanian (about 700 persons who reside dispersally) population in Odesa oblast (in ECRIs report - 200,000 persons of Moldovian-Romanian origin) and correspond to the provisions of the European Charter for Regional or Minority Languages, signed by Ukraine on 2 May 1996 "... if the number of persons who use regional language or language of minorities justifies it, to permit, encourage and provide teaching in the regional language or language of minorities at all respective levels".

- In the Autonomous Republic of Crimea in the 1997-1998 academic year 6 schools were functioning with the Crimean-Tatar language of teaching, where 2,831 pupils studied; 39,071 pupils studied the Crimean-Tatar language as subject at schools of the Autonomous Republic of Crimea. Optionally this language was studied in Sebastopol in 2 schools (249 pupils) and in Kherson oblast - in 2 schools (337 pupils). 2 week schools were also functioning with study of the Crimean-Tatar language: 1 (16 pupils) - in the Autonomous Republic of Crimea, 1 (200 pupils) - in Mariupol.

- Over 1,400 periodical editions are published in minority languages, of them, 1,300 - in the Russian language.

The needs of the Romanian minority in using of its language in written press are satisfied by the following Romanian-language editions: newspapers - "Concordia- (addition to the newspaper of the Parliament), "Zorile Bukovinef", 4 newspapers of the district councils of the Cnernivtsi region, independent newspaper "Curierul de Cherneuts"; 2 journals -"Arcashul" and "Plaj Pominescu"; journal for children "Fegurel".

In Odesa oblast the publication of the Moldovian-language newspaper "Lucaferul" is planned by the end of the current year.

The regional state administrations facilitate to the developments of contacts of the Romanian minority with Romania.

3. Ukraine considers Ruthenians as Ukrainians. The word "Ruthenians" appeared in the Hungarian and Romanian languages as definition of Ukrainians.

4. In the case of "frequent harassment by the authorities of young dark-skinned men from the Caucasus", it should be noted that:

- these men come from the Caucasus since a great number of illegal migrants arrive also in Ukraine from countries of North Asia and Afghanistan;

- verifications of the legality for the staying of dark-skinned men in Ukraine are based not "on the stereotype that these people are involved in criminal activity", but on police duties according to legislation to control observance of the rules of entry, departure, stay in Ukraine and transit of the foreigners through its territory.

It should also be noted that realization by the foreigners of their rights and freedoms should be without prejudice to national interests of Ukraine, rights, freedoms and legal interests of its citizens and other persons who reside in Ukraine.

5. Concerning manifestations of racism and ghetoisation in relation to Roma/Gypsies it should be noted that to the end of preventing crimes in the territory of Transcarpathia oblast the routine

inspections and checking of settlements are carried out to detect persons without residence registration permits (propiska), criminals who hide from investigation and court.

Taking into consideration motivated suspicions in commitment of a number of crimes by Roma/Gypsies they, as a rule, are also checked in the established way. Thus, for instance, in May 1998 in Uzhogord district of Transcarpathia a group of Roma/Gypsies was arrested for thefts of individual property of the citizens. At present, 32 episodes of its criminal activity were documented, material evidence was collected, investigator actions are being performed.

All the persons who return from the prisons are documented to prevent crimes irrespective of their nationality.