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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF UKRAINE
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

BY UKRAINE

(received on 19 November 2008)

II. Article-by-article Findings

Article 3 of the Framework Convention

40. During the Allukrainian population census in 2001 the number of the representatives of ethno-graphic (sub-ethnic) groups who constantly live in the territory of Ukraine (boiky, ghutsuly, lemky, lytvyny, polischuky, ruthenians) amounted 32,4 ths. people, among them Ruthenians – 10,2 ths. people. At the same time, among the Ukrainians of the Transcarpathian region the Ruthenians constitute 1,01 % (1 010,1 ths. people).

According to the Constitution of Ukraine, the Law of Ukraine «On National Minorities in Ukraine», the Framework Convention on protection of the rights and freedoms of persons belonging to national minorities, every person has the right for national identity. There is not any legal act that includes the list of nationalities recognized in Ukraine.

According to the conclusions of Kuras Institute of Political and Ethnopolitical Studies of the National Academy of Sciences of Ukraine, the Ruthenians are the organic constituent of the Ukrainian nation, or its sub-ethnic group. There were also other scientific arguments given by experts from different countries concerning the status of the Ruthenians. That's why there is no need to consider them as the separate ethnos.

Nowadays there are 16 Ruthenian NGOs in Transcarpathia and they have the same rights for their activities as other communities. The State Committee of Ukraine on Nationalities and Religions (SCNR) as well as local budgets support the NGOs in their activities aimed at developing their ethnic culture and traditions.

41. Ukraine is longing to adapt its legislation to the international norms and standards in the sphere of protection of the rights of persons belonging to national minorities. In this respect the State Committee of Ukraine on Nationalities and Religions elaborated the draft law «On the Conception of the State Ethnic Policy of Ukraine» in cooperation with the responsible authorities and the National Academy of Sciences of Ukraine. In September 2008 the abovementioned draft law was sent to the Cabinet of Ministers of Ukraine for further consideration.

Data collection and self-identification

51. In Ukraine there is not any datum about the religion or origin of a person in the identity cards. The practice to collect «operational statistics» pertaining to criminal acts related to specific national minorities is not committed.

52. The State Committee on Statistics of Ukraine that is responsible for the next All Ukrainian population census while preparing the questionnaire took into account the UN Recommendations on the population census and housing resources in 2010.

The State Committee on Statistics intends to conduct the public ad campaign with the aim to inform the population as well as to provide the translation of applications in the national minority languages. Enumerators with appropriate command of the respective minority languages in particular Romani will be also involved.

53. Any question on ethnic origin will be optional or open-handed. The nationality of children will be defined by their parents.

54. During the Allukrainian population census in 2001 every person optionally had an opportunity to declair one's own ethnic origin. All public researches that are made in Ukraine are based on the confidentiality and the prior consent of the respondents. That's why no ethnic

data focusing on certain national minorities is collected without adequate legal safeguards and without respect for the voluntary identification by the persons concerned.

55. The right for ethnic self-identification is one of the fundamental rights of a person. The Constitution of Ukraine, the Declaration on State Sovereignty of Ukraine, the Act of the Independence of Ukraine, the Declaration of National Minorities Rights is the basis for the state ethnic policy formation and the national minorities' rights insurance in Ukraine. Ukrainian legislation guarantees the equality of citizens. Part II of the Article 24 of the Constitution of Ukraine says that in Ukraine there are no restrictions or privileges on the basis of race, sex, political, religious, ethnic and social origin, the place of residence, etc.

The Framework Convention for the Protection of National Minorities guarantees each person who belongs to the national minority the freedom of choice to belong or not belong to the national minority (Part I, Article 3). Thus, Ukraine recognises both Moldavian and Romanian minorities concerned on an equal footing.

Legislative framework protecting national minorities

64. The Draft Concept for State Ethnic Policy was discussed on the session of the Council of the representatives of All Ukrainian NGOs – the Consultative (Advisory) body by the SCNR. Besides, the Draft Concept was placed on the website of the SCNR. All propositions and remarks have been taken into consideration while working on at the Concept.

65. The draft law «On National Minorities in Ukraine» (new addition) according to the Decree of the President of Ukraine «On the decision of the National Security and Defence Council of Ukraine» as of 8 February 2006 «On the public situation in the Autonomous Republic of Crimea» as of 28 February 2006 № 154/2006 will be elaborated within three months after the Law on Ethnic Policy pass.

The same period of time is agreed in the Action Plan for results of the official visit of the OSCE High Commissioner on National Minorities Mr. Knutt Vollebaek to Ukraine on 25-28 March 2008

The recommendations of the experts of Council of Europe will be taken into account during the work with the Draft Law. In particular, the Council of Europe Action Plan for Ukraine envisaged the financial support for the adaptation of legislation in this sphere to European standards.

The Ministry of Culture and Tourism of Ukraine elaborated the draft Concept on State Language. The SCNR offered to include to the Concept the separate chapter dedicated to the development and promotion of the national minority languages.

Protection against discrimination

71,72,110. Current legislation in Ukraine is formed with accordance to the international norms and recommendations fixed in the Universal Declaration of Human Rights, the Framework Convention for the Protection of National Minorities, the European Charter for Regional and Minority Languages, the Hague Recommendations regarding the Education Rights of National Minorities and others.

Protecting against racism and xenophobia is under permanent control of the President of Ukraine, the Cabinet of Ministers of Ukraine and relevant authorities. For example, in the Ministry of Internal Affairs of Ukraine there is Ethnic Crime department, in the Security of Service of Ukraine is Racial or National Hatred Control Department, there is a position of the Ambassador for Special Assignments on protecting against racism, xenophobia and discrimination in the Ministry of Foreign Affairs.

In April 2008 the President of Ukraine charged the Office of Public Prosecutor and the Ministry of Internal Affairs to strengthen the affectivity of protecting society against the xenophobia and racial intolerance, and to institute criminal proceedings. The Interagency Workgroup was formed by the SCNR on protecting against xenophobia, ethnic and racial intolerance. In July 2008 the Interagency Workgroup approved the Action Plan on combating racial and ethnic discrimination in the Ukrainian society in 2008-2009, and passed it to the Cabinet of Ministers of Ukraine for further instructions to central and local authorities.

According to point 2 of the Action Plan the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine and the SCNR are preparing the recommendations on improvement the legislation that regulates the problem of protection against racial and ethnic discrimination. They will be introduced to the Interagency Workgroup till the end of the year 2008.

According to point 4 of the Action Plan the Ministry of Justice of Ukraine, the National Commission on the Protection of Common Morality, the SCNR will work on the issue of engaging the Commission to the list of state specialized institutions that can initiate criminal case on racial, national and religious hatred according to the Article 161 of the Criminal Code of Ukraine.

According to point 5 of the Action Plan the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine, the SCNR, the Ministry of Foreign Affairs of Ukraine, the Ministry of Culture and Tourism of Ukraine, the Ministry of Family, Youth and Sports of Ukraine, the State Committee of TV and Radio Broadcasting of Ukraine and Security Service of Ukraine initiate the Parliamentary Audition on protecting against xenophobia, racial intolerance and ethnic discrimination of the Ukrainian society in the first half of the year 2009.

Efforts to ensure full and effective equality in respect of disadvantaged groups

81-83. Public assistance to the citizens of Ukraine is ensured with the local and state budgets. The documents needed for receiving the assistance are the same for all the citizens of Ukraine, in particular Romas. Sometimes there are obstacles in receiving the appropriate documents, but these cases are not linked with the nationality of a person who applies for the public assistance.

In the Transcarpathian region within the framework of a program «The Family» Roma people receive different kinds of public assistance established by the legislation of Ukraine. 8 620 Roma families received the state assistance (10,1 % of all the families getting the public assistance). Roma families get the pregnancy and the delivery welfare, totally 728 recipients, the welfare at birth – 897, the welfare for the childcare until 3 year age – 2314, the assistance for the children under the wardship – 55, for single mothers – 3109, the state public assistance for the have-nots – 1465, the welfare for the handicapped children – 52 recipients. Most of the Roma families in Transcarpathia live in Mukachevo – 502, Beregovo and Uzhgorod district – 430. The have-not families average (amount) 21,8 % of all the families-recipients. Generally, in Ukraine the term «disadvantaged minorities» does not exist. That's why it is incorrect to assert about the monitoring in such spheres as employment, access to housing, social and health services.

Data collection

87. As it was mentioned in point 55 the Ukrainian legislation guarantees equality of citizens and does not contain the term 'disadvantaged minorities'. That's why the State Committee on Statistics cannot collect statistical data with the term 'disadvantaged minorities' contained.

Article 5 of the Framework Convention

Support for minority cultures

95. The State Committee on Nationalities and Religions of Ukraine provides the financial support for projects of persons belonging to national minorities aimed at maintaining and developing their culture. The Ministry of Culture and Tourism of Ukraine, the Ministry of Science and Education of Ukraine, local authorities are involved to the similar programs.

The State Committee promotes the process leading to the allocation of financial support for measures aimed at preserving and developing history, culture, languages and traditions of national minorities that are held by the national minorities' NGOs. In 2008 it was allocated 2 mln. 675 ths. hrn. from the state budget. 1 mln. 175 ths. hrn. was aimed at developing their culture. 1 mln. 500 ths. hrn. – for publishing the newspapers in minority languages. The State Committee is planning to extend the list of editions that receive the state financial support.

The State Committee provides state funding for measures aimed at preserving languages of national minorities in the framework of the budget program «Measures on Implementation the European Charter for Regional and Minority Languages». It includes the edition of different textbooks, dictionaries, reference books, etc. The program is financed with the sum 963 ths. hrn.

The state funding is primarily distributed to the national minorities' NGOs that have rich experience in this sphere. Openness and transparency in the process of financial support is ensured. In particular, the Council of Representatives of National Minorities Associations was attached to the State Committee of Ukraine on Nationalities and Religions. The issue of financial distribution are considered and approved at the sessions of the Council. The information about the recipients of these funds is at the Internet site of the State Committee of Ukraine on Nationalities and Religions.

96. According to the Decree of the President of Ukraine «On the Decision of the National Security and Defence Council of Ukraine on 8 February, 2006 «On Situation in the Autonomous Republic of Crimea» 154/2006 on 28 February, 2006 in Kyiv it's planned to provide an allocation for the Centre of Development of Cultures of National Minorities (the House of Nationalities). To accomplish this task the working group was formed including the representatives of the Fund of the State Property of Ukraine and the State Committee of Ukraine on Nationalities and Religions under the aegis of the Kyiv Local Administration.

Then the State Committee of Ukraine on Nationalities and Religions will take appropriate measures to maintain the activity of this Centre.

97. According to p.7 of the Action Plan against xenophobia, racial and ethnic discrimination in Ukraine 2008-2009, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the State Office of Public Prosecutor of Ukraine will reinforce the work concerning the prevention and investigation of the cases of vandalism containing the signs of national, racial or religious hostility, humiliation of national honour and or offence religious beliefs.

Article 6 of the Framework Convention

Efforts to combat intolerance, racism and inter-ethnic hostility

111, 112, 250, 257 (p.4). According to p. 6 of the Action Plan the Ministry of Foreign Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the Office of Public Prosecutor of Ukraine constantly develop bilateral cooperation with the international organisations, states and law enforcement bodies of other countries in order to share experience and information concerning the practice of the advanced administrative decisions and legislative initiatives in sphere of protection against xenophobia, racial and ethnic discrimination.

According to p.7 of the Action Plan the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the Office of Public Prosecutor of Ukraine constantly provide the complex of the preventive actions aimed at prevention of conflict situations and crimes on racial and ethnic hatred.

According to p.8 of the Action Plan the Ministry of Internal Affairs of Ukraine constantly analyses the offences against foreigners and persons without citizenship of committed in public places to make amendments to plans of using the forces that maintain of the public order.

According to p. 18 of the Action Plan the Ministry of Foreign Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Office of Public Prosecutor of Ukraine, the Supreme Court of Ukraine, the State Committee of Ukraine on Nationalities and Religions in 2008-2009 in cooperation with the Office for Democratic Institutions and Human Rights of OSCE start the program on training personnel for law enforcement bodies, the offices of public prosecutors, courts acquainted with the specificity of the cases of xenophobia, racial and ethnic discrimination.

113. According to p.9 of the Action Plan the State Committee of Ukraine on Nationalities and Religions constantly holds on consultations of heads of churches and religious organisations concerning the necessity to promote among the believers the tolerance to representatives of other races and nationalities.

According to p. 10 of the Action Plan the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the Ministry of Family, Youth and Sports of Ukraine constantly communicate to the members of radical youth organisations and take measures to protect against xenophobia, racial and ethnic discrimination.

According to p. 11 of the Action Plan till the end of 2008 the Ministry of Education and Science of Ukraine, the State Scientific Research Institute of the Ministry of Internal Affairs of Ukraine, the Institute of Innovative Technologies and Formation of the Ministry of Education and Science of Ukraine, the State Institute of Family and Youth of the Ministry of Family, Youth and Sports of Ukraine will prepare methodical recommendations concerning educational work on the prevention of xenophobia and racist hatred among pupils and students.

According to p.12 of the Action Plan the Ministry of Education and Science of Ukraine, the Ministry of Family, Youth and Sports of Ukraine, the Ministry of Internal Affairs of Ukraine constantly provide information campaign concerning the prevention of xenophobia and racist hatred among pupils, students and their parents.

According to p.14 of the Action Plan 2008-2009 the National Academy of Sciences of Ukraine, the Ministry of Education and Science of Ukraine, the Ministry of Family, Youth and Sports of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Committee of Ukraine on Nationalities and Religions provide scientific research of the reasons of xenophobia, racism and anti-Semitism in the Ukrainian society, their dissemination, the level of the radicalization of public mood, especially among teenagers and youth.

According to p.15 of the Action Plan the Ministry of Family, Youth and Sports of Ukraine, the State Committee of Ukraine on Nationalities and Religions, the State Committee of Ukraine on TV and Radio Broadcasting, the Council of Ministers of the Autonomous Republic of Crimea, the Kyiv and Sevastopol City Administrations and local authorities constantly provide the elaboration of the social advertising aimed at the increase of tolerance, protection against xenophobia, racism and anti-Semitism in Ukraine and also the monitoring and researches concerning its efficiency.

According to p.16 of the Action Plan the Ministry of Culture and Tourism of Ukraine constantly organizes in libraries for children and youth book exhibitions, meetings, educational conversations, the virtual travel directed on formation of tolerance, respect for culture, history, language, customs and traditions of representatives of different nationalities.

Countering hate speech in the media

121. According to p. 13 of the Action Plan 2008-2009 the State Committee of Ukraine on Nationalities and Religions, the State Committee of Ukraine on TV and Radio Broadcasting with the financial state support ensure the production of special thematic TV and radiobroadcasts aimed at the protection against xenophobia, racial and ethnic discrimination in Ukraine.

According to p.15 of the Action Plan the Ministry of Family, Youth and Sports of Ukraine, the State Committee of Ukraine on Nationalities and Religions, the State Committee of Ukraine on TV and Radio Broadcasting, the Council of Ministers of the Autonomous Republic of Crimea, the Kyiv and Sevastopol Local Administrations constantly provide the social advertising directed to increase tolerance, to prevent cases of xenophobia, racism and anti-Semitism in Ukraine; also they ensure monitoring researches concerning its efficiency.

122, 123. According to the Law of Ukraine «On Protection of Moral Values» the National Expert Commission of Ukraine on Protection of Moral Values is permanent expert and supervising body, it works in accordance with the mentioned law and the Provision about the National Expert Commission of Ukraine on Protection of Moral Values approved by the Decision of the Cabinet of Ministers of Ukraine.

The National Expert Commission of Ukraine has the right to examine the activity of mass media, juridical persons of all forms of property that are involved in the organisation of entertainment and activity on stock rotation that could include the signs of violence and cruelty.

The decisions of the National Expert Commission of Ukraine are obligatory for consideration by the central and local authorities, all kinds of mass media, individual and juridical persons.

The representatives of the mentioned Commission are appointed locally to ensure the implementation of the decisions of the National Expert Commission of Ukraine in the Autonomous Republic of Crimea, regions of Ukraine and the city of Kyiv.

Instances of vandalism of religious and minority sites

126. According to p. 7 of the Action Plan the Ministry of Internal Affairs, the Security Service of Ukraine, the Office of Public Prosecutor of Ukraine reinforce their activity concerning prevention and investigation of the illegal actions connected with the cases of vandalism based on national, racial or religious hatred, humiliation of national honour or offence of religious beliefs.

Article 9 of the Framework Convention

Legislation on television and radio broadcasting and minority languages

134–136, 139. According to the legislation the State promotes TV and radio broadcasting to meet cultural and information needs of Ukrainians, including representatives of national minorities; it does not make obstacles to direct reception TV and radio broadcasting from other countries in minority languages, it puts effective restrictions concerning monopolisation of TV and radio broadcasting organizations by financial industrial companies, political groups or individual persons, and also ensures the protection of TV and radio broadcasting organizations against financial and political pressure of financial political

groups and authorities, and guarantees the rights to information and open discussions of socially important problems through TV and radio broadcasting.

According to Article 10 of the Law of Ukraine «On TV and Radio Broadcasting» TV and radio organizations broadcast in the State language.

The broadcasting in certain regions can be in the language of national minorities that live compactly on the territory of Ukraine.

If the source (or dubbing) language of a film or program is not Ukrainian, such film or program have to be dubbed in the State language.

For the national broadcasting the part of the air time in the Ukrainian language should be not less than 75% daily.

The broadcasting for the foreign audience is in the Ukrainian language and in the appropriate foreign language.

Article 7 of the mentioned law prescribes that the Verkhovna Rada of Ukraine defines the state policy concerning TV and radio broadcasting, the legislation for its implementation and guarantees of social and legal protection of employees.

The Cabinet of Ministers of Ukraine ensures the implementation of the state policy concerning TV and radio broadcasting and co-ordinates the activity of the authorities in this sphere.

Regardless of the means of broadcasting TV and radio programs, the only one body of the state regulation of TV and radio broadcasting activity is the National Board of Ukraine on TV and Radio Broadcasting (further – the National Board). It is the special constitutional permanent state body.

The legal bases of the forming and activity, the status, the competence, functions of the National Board and the procedure of their implementation are prescribed by the Law of Ukraine «On National Board of Ukraine on TV and Radio Broadcasting».

The State regulation of national TV and radio broadcasting is implemented according to the Development Plan adopted by the National Board in accordance with the legislation, principles, tasks and priorities of Ukraine.

Languages of TV and radio programs are defined according to the provisions of broadcasting licence.

Print media

143. The State Committee of Ukraine on Nationalities and Religions since 2004 provides financial support to the edition of six newspapers in minority languages. It allocates the costs from the State Budget of Ukraine with the sum of 1 million 500 thousand hrn. annually.

The central and local authorities provide partially the financial support of mass-media in minority languages in sites where the representatives of national minorities live compactly.

In 2009 the State Committee of Ukraine on Nationalities and Religions plans to increase the number of editions financed from the State Budget of Ukraine.

Article 10 of the Framework Convention

Language policy

151, 152. Among the state priorities of Ukraine the language policy plays an important role because its strategic task is to ensure the implementation of the constitutional guarantees concerning the development and functioning of the Ukrainian language as the State language

in all spheres of life as well as the development and protection of minority languages in Ukraine.

The right of national minorities to develop their native language and guarantees of this right are fixed in the Constitution of Ukraine, the laws of Ukraine «On National Minorities in Ukraine», «On Languages», «On Education», «On Ratification of the European Charter for Regional or Minority Languages» and others.

In particular, in April the Cabinet of Ministers of Ukraine has approved the project of the Concept of implementation of the state language policy directed on the optimal conditions for language in the state and protection, development and use of all minority languages in Ukraine.

According to the mentioned Concept the state language policy concerning the strengthening and development of the Ukrainian language will combine with the language rights of citizens of Ukraine belonging to national minorities that historically live on the territory of Ukraine, and will not deprive of the right of Ukrainians to speak freely any language in private communication and to meet needs in all spheres of life.

It is necessary to prepare draft laws for the consideration at the Verkhovna Rada of Ukraine, to provide the implementation of the state programs, to take measures for support of public initiatives, to carry on a dialogue between central and local authorities, NGO's to implement the state language policy.

It is planning that the Concept implementation will be realised in two stages till 2015 if it's ensured the appropriate coordination of activities of the central authorities, the Council of Ministers of the Autonomous Republic of Crimea, regional, the Kyiv and Sevastopol Administrations, local authorities, the National Academy of Sciences of Ukraine, the Academy of Pedagogical Sciences of Ukraine, NGO's, amateur groups, enterprises, and other organisations.

In particular, the issues concerning conditions for free development of minority languages in Ukraine and the realisation of the activities aimed at the implementation of provisions of the European Charter for Regional or Minority Languages are in the competence of the State Committee of Ukraine on Nationalities and Religions.

The State Committee of Ukraine on Nationalities and Religions is the only one body of the central authorities disposing since 2006 of state funds aimed at the organization of the activities to support the languages of national minorities in the framework of the budgetary program «The Activities on the Implementation of the European Charter for Regional or Minority Languages».

In particular, every year a number of the important cultural-educational and language activities holds on with the financial support of the State Committee of Ukraine on Nationalities and Religions. They promote the popularisation and studying of native languages, traditions and customs of national minorities: Days of the native language, competitions, quizzes on the best knowledge of minority languages, festivals, seminars, conferences, «round tables», symposiums on ethno-language issues. Besides, the State Committee of Ukraine on Nationalities and Religions financially supports the edition of textbooks, dictionaries, hand-books of native languages, literature and mass media in minority languages, programs, plans, scientific-methodical editions for Sunday schools.

Generally during three years (2005-2007) on this budgetary program the State Committee of Ukraine on Nationalities and Religions allocated the sum of 1.821.716 hrn. for the support of minority languages. In 2008 it's planned the financing with the sum of 963.000 hrn. and 526.000 hrn. has already been spent

The other kinds of activities are also provided in order to preserve and develop minority languages and cultural heritage of national minorities in Ukraine.

The State Committee of Ukraine on Nationalities and Religions works on the improvement of legislation in sphere of international relations and protection of the rights of national minorities to bring it to conformity with the international norms and standards. In particular, the State Committee of Ukraine on Nationalities and Religions prepared in September and passed to the Cabinet of Ministers of Ukraine the Draft Law «On the Concept of the State Ethnic Policy of Ukraine», it's preparing the new edition of the Law of Ukraine «On National Minorities in Ukraine». The adoption of these laws will facilitate legal regulation of ethno-language and ethno-cultural issues of national minorities in a context of requirements of the «European Charter for Regional or Minority Languages».

On the implementation of the Program of Activities of the Cabinet of Ministers of Ukraine «the Ukrainian Break: for people, not for politicians» the Ministry of Foreign Affairs of Ukraine in cooperation with other authorities prepared the Draft Law «On the Amendments of the Law of Ukraine «On the Ratification of the European Charter for Regional or Minority Languages». There the list of languages under the Charter protection is extended; it is included the Armenian, Yiddish, Karaim, Krymchack and Roma languages.

The important direction of the implementation of the state language policy is monitoring and open discussion of questions concerning the ethno-language rights of national minorities and informing the society about the results of implementation of the international obligations taken by Ukraine.

In February, 2008 in the framework of the celebration of the International Day of the native language in Ukraine the exhibition «Books - language treasures» was hold on with the exposition of literature in minority languages edited with state funds. The exhibition demonstrated literary, language and cultural achievements of representatives of national minorities of Ukraine; it promoted awareness of Ukrainians concerning international issues and became the uniting factor for mutual understanding, tolerance and international dialogue.

Use of minority languages in relations with administrative authorities

155. The Ukrainian legislation (both internal and international) concerning judicial proceedings completely ensures the language rights and freedoms of Ukrainian citizens belonging to national minorities regardless of the size of the ethnic group or the language skills of its representatives.

According to Article 59 of the Constitution of Ukraine everyone has the right to legal assistance. The legislation also provides free legal assistance in special cases.

The supervision of the law compliance concerning inter-ethnic relations and the guarantee of national minorities' rights are exercised by the Constitutional Court of Ukraine and the courts of general jurisdiction, the Committee on human rights, national minorities and inter-ethnic relations of the Verkhovna Rada of Ukraine, the Ombudsman of Ukraine.

The Council of Europe Action Plan for Ukraine provides support in establishing the independent, objective, efficient and professional court authority in Ukraine. The court reform is directed to facilitate the access to justice and improve the work of court system.

Judicial proceedings

157. According to Article 10 of the Law «On Judicial System of Ukraine» legal proceedings in Ukraine is executed in the State language. The use of other languages in judicial proceedings is prescribed by law.

According to Article 15 of the Administrative Code of Ukraine persons engaged in trial case who don't speak the State language have the right to use their native language or the

language they speak and also use assistance of an interpreter. Article 7 of the Civil Code of Ukraine contains similar regulation.

The Law of Ukraine «On Judicial System of Ukraine» creates the legal basis for the court authorities. The third part of Article 10 of the mentioned law says that «persons who don't speak the State language have the right to use their native language or use assistance of an interpreter in judicial proceedings. The state provides this right in the cases determined by law».

According to Article 68 of the Administrative Code of Ukraine «interpreter» is a person who speaks language of the administrative judicial proceedings fluently, and also speaks other language that is necessary for interpretation or translation from one language to another, as well as the person who can communicate with the deaf, silent or dumb people. An interpreter's assistance is approved by the decision of the court at the request of the person engaged in trial case or appointed according to initiative of the court. The court provides interpreter's assistance for a participant of judicial process if there is a conclusion that this person cannot pay an interpreter.

Article 56 of the Civil Code of Ukraine regulates the aspects of the interpreter's participation in the civil procedure.

Part One of Article 12 of the Constitution of the Autonomous Republic of Crimea prescribes that the Ukrainian or Russian (at the request) language can be used as language of judicial, notary proceedings and legal assistance in the Autonomous Republic of Crimea.

Article 11 of the Framework Convention

Personal names

160. According to Article 39 «Language of Personal Names» of the Law of Ukraine «On the Languages in the Ukrainian Soviet Socialist Republic» (28 October, 1989, No 8312-11) the Ukrainian citizens have the right to name themselves in accordance with national traditions. The names are transliterated from the native language into Ukrainian.

According to Article 12 of the Law of Ukraine «On National Minorities in Ukraine» every Ukrainian citizen has the right to national family name, first name and patronymic, and also to restore national family name, name and patronymic in the course of existing procedure.

The similar regulation is included in Paragraphs 2 and 3 of Article 294 «The right to a name» of Chapter 22 «Private non-property rights providing the social existence of the individual» of the Civil Code of Ukraine: «1. An individual has the right to a name. 2. An individual has the right to transliterated record of the family names and first names in accordance with their national traditions. 3. In the case of distorting name it should be corrected. If the distorted name was fixed in the document, such document should be replaced. If mass media distorts a name, the same mass media should correct itself».

According to relevant legislation first name and family name only are recorded in the documents of representatives of national minorities who don't have traditional patronymic. At the registration of birth and determination of the origin parents have the right to give name to their child.

Bilingual topographical indications and other inscriptions

165. In Ukraine the process of the restoring of historical names to places where national minorities live is going on. Decisions on this matter are adopted by the executive and local authorities.

According to decisions of the regional authorities on the basis of local referendums, ordinances of the Verkhovna Rada of Ukraine the original names were returned to some settlements.

In accordance with Article 38 of the Law of the Ukrainian Soviet Socialist Republic «On Languages in the Ukrainian Soviet Socialist Republic» and Article 6 of the Law of Ukraine «On National Minorities in Ukraine» such words (names of settlements, streets, etc.) are used in Ukrainian; in settlements where national minorities live compactly, the signs are used both in the State language and the language of the national minority in transliteration, performed with capital letters according to relevant standards.

Article 12 of the Framework Convention

Textbooks and teacher training

171-173, 177, 192-194. The Ukrainian national legislation and practice regulating ethnic processes in the sphere of education are elaborated in accordance with international standards and recommendations of the Universal Declaration of Human Rights, the Framework Convention for the Protection of National Minorities, the Hague Recommendations regarding the Education Rights of National Minorities, the European Charter for Regional or Minority Languages and other documents.

The Ukrainian legislation includes the fundamental law («On Education»), the laws of direct action («On Pre-school Education», «On General Secondary Education», «On Extracurricular Education», «On Vocational Education», «On Higher Education») and other legislative acts of Ukraine meeting educational needs of national minorities.

According to the National Doctrine of Education the implementation of language strategy is realized through comprehensive and consistent introduction of educational, legal, scientific and consultative arrangements.

In Ukraine the system of educational institutions with minority languages ensures the right of national minorities to meet the educational needs of their native language, to preserve and develop ethnic culture.

The system of educational institutions is formed in accordance with educational requirements and ethnic composition of the population. Particular attention to this issue is given in sites where representatives of national minorities live densely. The parents and their children have the right to choose the language of instruction.

The right to study their native languages is guaranteed starting with pre-school education.

At the beginning of 2008 in Ukraine there are 13 921 pre-schools with 1 137 488 children. Among them 6900 children belonging to national minorities attend kindergartens with minority languages. 439 children are brought up in Crimean Tatar, 3168 - Hungarian, 20 - German, 94 - Polish, 992 - Moldavian, 2094 - Romanian. In addition, 16 427 children are brought up in pre-school institutions in Russian that is 14.4% of the total number of children attending kindergartens.

In 2007/2008 academic year there were 20 249 secondary schools where 4 668 968 students studied.

Among 3291 general secondary schools with minority languages:

Russian - 1253 schools (442 038 pupils);

Romanian - 92 (20 058 pupils);

Hungarian - 70 (12 834 pupils);

Crimean Tatar - 15 (3115 pupils);

Moldavian - 7 (2409 pupils);

Polish - 5 (1236 pupils).

Among 1848 general secondary schools with two or more languages:

Ukrainian and Russian - 1729 (413 007 pupils);

Russian and Hungarian - 28 (4532 pupils);

Ukrainian and Romanian - 11 (2746 pupils);

Ukrainian and Moldavian - 7 (1889 pupils);

Ukrainian and Bulgarian - 1 (95 pupils);

Ukrainian and Slovak - 1 (70 pupils);

As a subject in general secondary schools such minority languages are studied:

Russian - 1 354 166 pupils;

Crimean Tatar - 19 503 pupils;

Bulgarian - 7466 pupils;

Polish - 3978 pupils;

Yiddish - 1116 pupils;

Moldavian - 1410 pupils;

Hungarian - 1018 pupils;

Gagause - 308 pupils;

Romanian - 427 pupils;

Slovak - 201 pupils;

Modern Greek - 123 pupils.

Language and literature of national minorities are studied as compulsory or optional subjects according to the General curriculum approved by the Ministry of Education and Science of Ukraine.

The curriculum of elementary school with minority languages provides teaching the native language beginning from the first grade and the Ukrainian language course from the second grade. In elementary schools with the Ukrainian instruction pupils can study minority languages from the second grade (due to the variable constituent of the curriculum).

The schoolchildren also have the opportunity to choose the courses of history and culture of national minorities and study them due to the variable constituent of the curriculum.

In general secondary schools with minority languages one of the main goals is the development of teaching methods. Thus, the General curriculum is aimed to meet the educational needs in learning the minority languages.

The Ministry of Education and Science of Ukraine recommends using 48 types of educational programs in secondary schools with minority languages.

The process of composition new textbooks in native languages for 1-4 and 5-8 grades with teaching in Romanian, Hungarian, Polish and Crimean Tatar languages is completed.

The textbooks of the Ukrainian language for 1-4 and 5-7 grades in Hungarian and Romanian are available. It's preparing new textbooks of the Bulgarian language for secondary

schools where this language is a subject, and textbooks of the Ukrainian language for secondary schools with instruction in Polish.

According to the Direction of the Ministry of Education and Science of Ukraine of 24 January, 2008 № 33 «On the external independent estimation of educational achievements of school leavers» the graduates studying in minority languages have the right to pass tests translated into appropriate language (except the test of the Ukrainian language and literature) during the transitional period in 2008-2009.

Graduates of general secondary schools with Romanian (Moldavian) languages can learn their native language in the Chernivtsy and Uzhgorod National Universities, with Crimean-Tatars - in the Tavriysky National University and Crimean State Industrial and Pedagogical University, with Hungarian – in the Uzhgorod National University, with Polish – in the Volyn' State University, the Kyiv National University, the Lviv, Prykarpatsky, Luhansk, Khmelnytsky National Universities, the Drohobych Pedagogical University, the Dragomanov Kiev National Pedagogical University.

The important factor determining the quality of education is the training of teaching staff for secondary schools with minority languages.

It's already five years the Chernivtsy National University provides the training of teachers of mathematics, physics, chemistry, biology, geography, history, foreign language, labour training, gymnastics, music and fine arts for secondary schools with the Romanian language.

The practical training of these specialists is realized through the formation of student mini-groups and the introduction of a special course in Romanian on methodology of teaching and with a special course on the Romanian terminology for certain specialization. The instruction of other subjects should be in the State language.

In the Crimean State Industrial Pedagogical University the structure of training on the specialty «Pedagogy and methods of secondary education: Fine arts» is extended. At the faculty of the University the experts in «Primary Education» (35 persons) and «Pre-School Education» (39 persons) with the specialization «Crimean Tatar language and literature» are training.

In the Tavriyskiy National University students are studying at the faculty of the Crimean Tatar and Eastern languages and literature, they obtain the speciality «Crimean Tatar language and literature», each year the training of 50 students is ensured.

The Simferopol Pedagogical College enrolls 25 entrants annually on the budgetary basis for the speciality «Primary school teachers, teacher of the Crimean Tatar language in primary school».

In the Crimean Industrial Pedagogical University and in the Crimean Humanitarian Institute the post-graduate course is available. In the Tavriyskiy National University there is academic speciality training for Ph.D. «the Crimean Tatar literature» and «the Turkic language».

«Turk languages». Training of scientific and pedagogical personnel is carried out for the Crimean humanitarian institute through graduate school of the Dragomanov National pedagogical university. The methodical assistance renders to higher educational institutions of Crimea for preparation of the typical programs, normative documents, handing over candidate's examinations.

For years realization of the Program of the special purpose training of national personnel for social and cultural sphere in Crimea is annually selected 93,7 percent of entrants from the number of the Crimean Tatars, Armenians, Bulgarians, Greeks, Germans, deported earlier from Crimea.

In the institutions of Education of the Autonomous Republic of Crimea annually undergo training and improving the skills of nearly 7 000 teachers and lecturers.

Under sponsorship of the International Renaissance Fund, the Center of the educational and methodological work providing facilities of studies in native languages on the basis of the Crimean state industrial pedagogical university,.

Presently in 48 universities of Ukraine are studied languages of national minorities and the teachers of the mother tongue and literature are trained.

In addition for the representatives of national minorities who are dispersed in Ukraine there are 315 Sunday schools which are teaching the native language of about 5 000 representatives of national minorities of various ages. Most the Sunday schools works in the Odesa, Donetsk, Zaporizhia, Lviv, Dnipropetrovs'k and Ivano-Frankivsk regions. SCNR provide logistical and financial support to the activities of Sunday schools, promotes the publication of programs, plans, scientific and teaching aids, supports the educational seminars for their employees. The work of Sunday schools is governed by the provisions of the typical cultural and educational center of national minorities of Ukraine approved by the order of Ministry of Education and Science (MES) and SCNR № 778/49 dated 06.10.04.

Education of Roma children

182. According to the difficult social and economic situation of Roma minority in Ukraine Ukrainian authorities pay special attention to the integration of Roma people into Ukrainian society. The first point is attending Roma of pre-school education institutions..

Besides efforts of the state the local authorities and public organizations take part in the positive solving of this problem. In particular under support of the International Renaissance Fund the first in Ukraine Roma kindergarten is organized in Uzhgorod.

The Association of Roma in Transcarpathia pays much attention to improving of educational and cultural level of the Roma population through the organization of pre-school establishments and primary schools.

At the same time the Roma public organizations may intensify efforts on conducting explanatory activity among parents of Roma nationality in order to ensure attending their children of kindergartens and schools. Although now in Ukraine there are 56 Roma national and cultural societies but still a lot of Roma families believe that their children do not need attend kindergartens and schools.

183. At present time the educational level of Ukrainian Roma remains the lowest in the country. Ukraine takes some measures for increasing the level of training schools with predominantly Roma contingent of students towards current state standards. The curricula of these schools include the study of customs and history of Roma. The methods of teaching the Roma children take into account the traditions of education and life of the Roma people. The state ensures such schools with a number of benefits including free meals for pupils.

There is no practice of establishment of separate schools in Ukraine. As secondary education in Ukraine is organized under the residence of the pupils the prevalence of students of Roma nationality would be possible only in places where Roma have the majority population.

Significant measures are implemented at the local level. Thus, in the city of Izmail (Odessa region) a Roma Sunday school operates, where children learn the traditions of Roma, culture and language. In Uzhgorod (Transcarpathia region) a Roma Sunday school opened, where children study the Romany language and literature, Ukrainian language, Ukrainian legislation, music, get acquainted with Roma crafts. On the basis of Uzhgorod school number 14 for Roma children the sports classes (football, volleyball, basketball) operate.

In general there are 6 Sunday schools works in Ukraine.

184. In Ukraine there are no preference for representatives of any the nationalities to gain higher education. However, if necessary some privileges may be available. That is why such issues concerning Roma were discussed during the Kiev International Forum: «Roma of Ukraine: from the past to the future» organized by the all-Ukrainian Union «Roma Congress of Ukraine» with the support of SCNR in June 2008.

Now in Ukraine there is no comprehensive national plan for Roma approved by the Cabinet of Ministers. But the elaboration and implementation of a comprehensive plan for Roma in Ukraine may be foreseen in the framework of Council of Europe Action Plan for Ukraine (2008-2011).

Article 15 of the Framework Convention

Representatives of national minorities in the electoral districts

202. According to the Law of Ukraine «On election of people deputies of Ukraine» any direct or indirect privileges or limits concerning the voting rights of citizens on grounds of race, color, political, religion, gender, ethnic or social origin, property status, place of residence, linguistic or other grounds are prohibited. The citizens of Ukraine takes part in the elections of deputies on an equal basis. The election of deputies carried out on the basis of proportional system. People vote candidates for deputies from political parties or electoral blocs of political parties.

According to the Law of Ukraine «On the election of deputies of local councils, town and village heads» the election of deputies of rural, urban, urban district in the city, district, regional councils, as well as rural, city chairmen of settlements are free and take place on the basis of common and direct electoral law through a confidential vote. An electoral process is carried out on such principles: free and equal pulling out of candidates; possibilities for all candidates in equal electoral campaign; impartiality to the candidates from the side of local administration, public officials of these authorities.

All subjects of elections are interested in improving the electoral activity of citizens directly in the electoral process and in elected bodies. The representatives of national minorities have equal rights in this process.

Consultative mechanisms

211. In cooperation with the Council of Europe public administration in Ukrain has implemented several programs. The Council of Europe Action Plan for Ukraine, 2008-2011 is implemented now. It is aimed at strengthening mutual cooperation to promote the Ukrainian authorities in the fulfillment of Ukrain's obligations to the Council of Europe.

SCNR provides continuous consultations with representatives of the Secretariat of the Council of Europe on issues concerning national minorities. In particular the experts from the Council of Europe and OSCE participated in the bilateral joint Ukrainian-Romanian monitoring of protection the Romanian national minorities in Ukraine and the Ukrainian minority in Romania. Some activities in the framework of projects of the Council of Europe Action Plan for Ukraine, 2008-2011, as well as relevant research in the mentioned field are being planned.

212. According to the Law of Ukraine «On associations of citizens in Ukraine» State ensures protection of rights and legitimate interests of legal associations of citizens. The intervention of public authorities and officials in the activities of associations of citizens are not allowed.

Ukraine has no legal authority to conduct activity of Roma organizations in their cooperation with the Council of Europe.

213. The issue of interethnic relations in the Autonomous Republic of Crimea is under permanent constant attention of the President of Ukraine, the Council of National Security and Defense, the Cabinet of Ministers of Ukraine.

In particular, the Presidential Decree «On the decision of the National Security and Defense Council of Ukraine on February 8, 2006 «On the social situation in the Autonomous Republic of Crimea »№ 154/2006 dated 28.02.2006 and «On the decision of the National Security and Defense Council of Ukraine on 8 February 2006 «On social situation in the Autonomous Republic of Crimea» № 822/2006 dated 09.10.2006, the decision of the National Security and Defense Council of Ukraine on 16 May 2008 year «On the status of implementation of the National Security and Defense Council of Ukraine on the situation in the Autonomous Republic of Crimea », Approved by Presidential Decree of 26 June, 2008 № 589 «The decision of the Council of National Security and Defense Council of Ukraine on 16 May, 2008 on the situation in the Autonomous Republic of Crimea », as well as the Action Plan approved by the Presidential Decree of June 26 2008 № 589 «The decision of the Council of National Security and Defense Council of Ukraine on 16 May, 2008»On the status of implementation of the National Security and Defense Council of Ukraine on the situation in the Autonomous Republic of Crimea», approved by the First Deputy Prime Minister Olexandr Tourchynov.

Specialized government bodies

218. SCNR as a central executive body contributes to the formation and implementation of public policy in the sphere of interethnic relations. SCNR elaborates proposals concerning an improvement legislation in this area, coordinates the preparation and implementation of measures to protect of national minorities and also contributes to meeting the needs of national minorities.

Ukraine which try to integrate to the European community improving the mechanisms for the implementation of National Ethnic Policy, monitors Ethnic processes, products new approaches to enhance the interaction of state bodies of executive power with non-governmental organizations of national minorities.

The central organ of executive power in the status of ministry could be guaranteed comprehensive implementations of these tasks. The Article 5 of the Law of Ukraine «About national minorities in Ukraine» says about it. Indeed, the Ministry could be more effective than the Committee in governing ethnic processes, meeting the needs of the representatives Ukrainian nation and national minorities, harmonization of interethnic relations, as well as implementation of the European Charter for Regional or Minority Languages and protection against racial discrimination and xenophobia.

Participation in social and economic life

227. The central authority, which provides access to the labor market is the State Employment Center, which now acceptable even through mobile phones. This service has already benefited 215 thousand people, 60% of them found a job.

To improve information about the career issues the State Employment Center provides free social services and employers through a single technology services, as well as the latest technology «touch-screen». Each unemployee can get through touch-screen address social services through a special card with an individual PIN code.

All Ukrainian employment centers are in a single system, all of them have unified information, including the rights and obligations of customers.

For two years period vocational terminals will be installed in all high schools of Ukraine, which will help students to choose a future profession. Terminals are joint innovative developments of the Ministry of Labor and Social Protection, Ministry of

Education and Science and the State Employment Center of Ukraine. In the menu of the terminal there is a brief information about labor laws, the list of jobs for each region with the reference salary, the list of all higher and secondary special institutions, psychological tests for children - everything needed to determine the choice of profession.

Vocational terminals will be placed in a boarding school, in a special establishments and places that are most visited by young people. Their information will be updated via the Internet for 3-4 times a week.

On the labor market in Ukraine the unemployment rate is lower (7.2%) than in many countries in Western and Eastern Europe. In the structure of employment we can observe imbalance: the labor market has too many people with a higher education and acute shortage of specialists with special secondary education.

In most areas of employment potential is not enough to fill vacancies. The problem is the need to raise wages for working professionals, as well as the need to pay the implementation of public works for the improvement of human settlements.

228, 229. As stated earlier in sub-paragraphs 51 and 55 in the documents that identify the person any information about its national or religious affiliation is missing in Ukraine. The whole complex of Ukrainian legislation guarantees the equality of citizens. Therefore the provision of medical care, access to housing and other social security do not depend on the nationality of a person.

Constitution of Ukraine (Article 47) guarantees each person the right to housing. The State creates conditions in which everyone can build housing, buy it in the property or to rent. Equality of rights and opportunities for all citizens to health, medical care and health insurance provided by article 49 of the Constitution of Ukraine. Health care is provided by government funding of relevant socio-economic, health, sanitation and prevention programs.

The State creates conditions for effective and affordable health care for all citizens. Public and communal health care is provided free of charge and the existing network of such institutions can not be reduced. The State promotes the development of medical institutions of all forms of ownership.

According to Article 8 of the Constitution of Ukraine a recognized principle of the rule of law is effective. The third part of that article specifies that the rule of the Constitution is the rule of direct action. Appeal to court to protect constitutional rights and freedoms of a man and a citizen on the basis of the Constitution is guaranteed.

230. To solve the problems of deported persons instructions of the President of Ukraine orders and regulations of government issued in different periods of time. At the moment to solve the urgent problems of immigrants the Cabinet of Ministers issued an act dated 11.05.06 No 637 «Program of resettlement and rehabilitation of the deported Crimean Tatars and other nationalities who have returned to live in Ukraine, their adaptation and integration into Ukrainian society to 2010». This program is aimed at resolving the socio-economic and cultural problems associated with returning to Ukraine deported Crimean Tatars and persons of other nationalities, the definition of the priority tasks of the executive power for their resettlement, adaptation and integration into Ukrainian society.

The top priority areas of implementation of the program are as follows: building and housing, the construction of engineering infrastructure (water, gas, electricity and sewerage), construction of hospitals, construction and reconstruction of schools, financial assistance to educational institutions of the Crimean Tatar language training in providing textbooks, teaching aids and programs.

Article 18 of the Framework Convention

Bilateral cooperation

237. In order to create favorable conditions for the realization of the rights of persons belonging to the Russian minority in Ukraine and the Ukrainian minority in the Russian Federation the Subcommittee on cooperation in the cultural and linguistic needs of national minorities of the Subcommittee on humanitarian cooperation of Ukrainian-Russian intergovernmental commission was established and operates.

State Committee on Nationalities and Religions provides a close cooperation in the sphere of ensuring the rights of national minorities with the Department of International Relations of the Ministry of Regional Development of the Russian Federation.

Soon SCNR is planning to hold bilateral consultations to determine the possibility of involving international experts monitoring the joint study of protection of ethnic Ukrainians in Russia and ethnic Russians in Ukraine.

III. Conclusions

239. We propose to remove from point 239 the following sentence: «The concept will introduce some changes to current legislation concerning the Crimean Tatars and other deported persons, in particular on granting Ukrainian citizenship to persons who have returned to Ukraine»