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

Third Opinion on Ukraine adopted on 22 March 2012

EXECUTIVE SUMMARY

Ukraine has continued to pursue a constructive approach towards the Framework Convention and its monitoring process. There has been improvement in a number of issues of concern during the second monitoring cycle. The procedure for the external school-leaver examination, for instance, has been modified to allow students of minority language schools to take exams in their language of schooling. This development is welcomed by minority representatives, despite the fact that first reports indicate a number of practical implementation problems for students wishing to take exams in minority languages other than Russian.

In a number of fields, however, there has been no progress. The polarisation of society on questions surrounding the use of the Ukrainian and Russian languages is detrimental to the opportunities of persons belonging to other minorities, particularly numerically smaller ones, to enjoy their rights as protected by the Framework Convention. There has been no progress with regard to the legislative framework for the protection of national minorities and the status and restitution of rights of formerly deported persons, and no comprehensive anti-discrimination legislation has been adopted. Draft legislation on the status and restoration of rights of formerly deported persons has, however, been prepared and submitted to parliament. There are continued reports of significant inequalities experienced by Roma in areas such as education, health, access to housing and employment, as well as within the justice system. Despite some efforts made at

regional level, there is no comprehensive national action plan for the promotion of full equality of Roma. Crimean Tatars and other formerly deported persons continue to live often in substandard conditions with limited access to public services, as no significant progress has been made in the solution of land and housing disputes, including as regards adequate compensation.

There are no clear criteria and transparent procedures for the allocation of support to the cultural activities of minorities, which encourages the perception that support is granted arbitrarily. This situation risks creating tensions between the various groups concerned. Clear legal guarantees as regards the provision of minority language education are still lacking and the decision on criteria for opening minority language classes is left to the local authorities. Russian language media is very present in the Ukrainian media space. The high language quotas imposed to promote the state language, however, affect disproportionately the languages of numerically smaller minorities.

The government agency responsible for dealing with all issues pertaining to minority protection issues was dissolved at the end of 2010 and responsibilities entrusted to a small sub-division within the Ministry of Culture. Minority representatives deplore that access to higher-level officials in all ministries has since become much harder and that, overall, consultation on and effective participation in decision-making processes on issues of their concern is diminishing.

Issues for immediate action

- **Adopt without delay and in close consultation with national minority representatives a comprehensive legislative framework pertaining to national minority protection and the status and restoration of rights of formerly deported persons, including as regards access to land;**
- **Take comprehensive and targeted measures to promote the full and effective equality of persons belonging to disadvantaged minorities, such as the Roma and Crimean Tatars, particularly regarding access to education and housing;**
- **Re-establish a specialised governmental body with sufficient financial and human resources to co-ordinate all issues relating to the protection of persons belonging to national minorities.**

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

THIRD OPINION ON UKRAINE

1. The Advisory Committee adopted the present Opinion on Ukraine in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the state report), received on 7 May 2009, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Lviv, Simferopol and Kyiv, from 23 to 27 January 2012.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Ukraine. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Ukraine, adopted on 1 March 2002 and 30 May 2008 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 5 February 2003 and 30 March 2011.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Ukraine.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Ukraine as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of state parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities).

I. MAIN FINDINGS

Monitoring process

6. Ukraine continues a mainly constructive approach towards the monitoring process under the Framework Convention. After the adoption of the second Opinion of the Advisory Committee in May of 2008, the Government swiftly provided its comments in November 2008, and then timely submitted the third state report in May of 2009. However, due to the delay in the adoption of the Committee of Ministers resolution until March 2011, the second Opinion as well as the Government comments were made public only on 31 March 2011. As a result, both texts appeared not to be known among minority as well as government representatives. The Advisory Committee strongly encourages the authorities to translate without delay this third Opinion into the state language and disseminate it widely upon publication, to ensure that minority representatives as well as regional and local authorities are made aware of the findings and recommendations of the Advisory Committee. The Advisory Committee also expects that it will be possible to organise a follow-up seminar in Ukraine at the end of the third monitoring cycle, which is generally considered an opportunity to discuss constructively the implementation of the Advisory Committee recommendations with the relevant government and minority stakeholders.

7. The Advisory Committee regrets that the third state report appears to have been prepared without comprehensive consultation of minority representatives. While acknowledging the difficulty in gathering information from governmental agencies and non-governmental actors throughout the country, the Advisory Committee finds that the quality of the report is usually much enhanced by including the main concerns of the relevant government and minority representatives, including their comments on the draft state report.

8. The Advisory Committee wishes to express its gratitude to the Ukrainian authorities at all levels for their constructive approach and supportive attitude prior to and during the country visit. This visit provided a useful opportunity for the Advisory Committee to discuss the state of the implementation of the Framework Convention in Ukraine with a number of state and regional governmental bodies, as well as representatives of various national minorities, particularly given that the information provided in the state report, submitted in May 2009, was outdated at the time of the visit.

General overview of the implementation of the Framework Convention after two monitoring cycles

9. The organisation of Parliamentary Elections, to be held in October 2012, has led to many important legislative reforms being put on hold for the time being, including as regards the protection of persons belonging to national minorities. The Advisory Committee further notes a deep division in Ukrainian society along linguistic lines. Questions surrounding the use of the Ukrainian and Russian languages appear to be polarising the whole of society which is detrimental to the opportunities of persons belonging to numerically smaller minority communities to enjoy their rights as protected by national and international standards.

10. Increased international attention has been paid in recent years to a reported regression of democratic freedoms and the rule of law observed in Ukraine. These developments were also mentioned by the interlocutors of the Advisory Committee during the country visit, as the overall decrease of consultation by the authorities with civil society has also been felt by minority representatives who observe a general decline in opportunities for them to meet with senior level government representatives and have their concerns considered and effectively taken into account.

Legislative and institutional framework

11. No progress has been made with regard to the adoption of a comprehensive legal framework pertaining to minority rights. The applicable legislation remains outdated and inconsistent, as draft amendments to the 1992 Law on National Minorities were not adopted. No progress has been made with regard to the status of formerly deported persons and the restoration of their rights. In addition, the Advisory Committee is concerned by the institutional vacuum left by the dissolution of the State Committee for Nationalities and Religions (SCNR) at the end of 2010, which has not been filled by the much smaller 'Sub-department on national minorities and Ukrainian diasporas' within the Ministry of Culture. A number of minority and government representatives are concerned that the lack of a coherent legislative and institutional framework related to minority rights prevents legal certainty and co-ordinated government responses on a complex issue that is of great significance to a large part of the population.

Full and effective equality

12. There is still no comprehensive data collection system to ensure that up-to-date and accurate data on the number and situation of persons belonging to national minorities provides the basis for the development and implementation of suitable equality policies. Alternative information, gathered by civil society and independent research, is also not used as a means of monitoring access to rights and benefits of the most disadvantaged groups in society. An accurate understanding of the situation is crucial, however, for the development, implementation and evaluation of comprehensive measures to promote full and effective equality.

13. No significant progress has been made with regard to the promotion of full and effective equality of disadvantaged minority groups, in particular the Roma and Crimean Tatars. No comprehensive national plan for the promotion of full equality for the Roma has been adopted, despite continued advocacy in this respect by minority representatives. Article 24 of the Constitution, which prohibits any restrictions or privileges based, among others, on ethnic origin, is still being used as justification not to engage in positive measures for the benefit of disadvantaged groups, as explicitly prescribed by Article 4 of the Framework Convention. Roma face persistent inequalities in a number of areas, including education, provision of health services, housing and employment. The Advisory Committee has further received alarming reports about continued inequalities suffered by persons belonging to some national minority communities within the justice system.

14. Crimean Tatars as well as other formerly deported persons continue to face inequalities due to the continued lack of a legislative framework pertaining to the restitution and compensation for the loss of farmland suffered as a result of the deportations. They often live in sub-standard conditions on unauthorised settlements with limited access to public services, utilities and infrastructure. While acknowledging the complexity of the task of resettling and reintegrating up to 280,000 persons who returned to the Crimea, the Advisory Committee regrets that only limited progress has been made. Resolute steps must be taken to ensure that the dialogue between the authorities and Crimean Tatar representatives concerning land issues, including as regards adequate compensation and questions relating to the unauthorised occupation of land, is re-established, as the lack of progress fuels hostility between different ethnic groups in the Crimea as well as within the Crimean Tatar population. In addition, attention must be paid to ensure that the allocation of the limited funds earmarked for the resettlement and integration of formerly deported persons must be regularly monitored and evaluated, in close consultation with representatives of the groups concerned, to ensure that the funds actually reach their beneficiaries.

Combating racism and discrimination

15. There has been no progress with regard to the adoption of comprehensive anti-discrimination legislation. While a draft Strategy to combat and counteract discrimination has been prepared by the Ministry of Justice, the comprehensive draft legislation that was prepared by civil society representatives and experts, appears not to have been given formal consideration. Some provisions of the Criminal Code were amended in 2009, extending the list of offences for which racist motivation is considered an aggravating circumstance, and increasing the maximum sentence for crimes involving racial hatred. The provisions are, however, invoked only rarely, as the deliberate action required for the incitement of ethnic hatred is difficult to prove in a specific case.

16. Inter-ethnic hostilities and racially-motivated offences appear to be increasing at a time when the dissolution of the SCNR has left an institutional vacuum also as regards the fight against racism and discrimination in Ukraine. Western Ukraine and the Crimea appear to be particularly affected by an increase in inter-ethnic as well as inter-religious tension, which frequently appears to be fuelled by local media as well as some politicians. Allegations of police misconduct and harassment against some minority groups in particular continue to be frequently reported and there is a need for the Ministry of the Interior to expand further its training and awareness-raising activities conducted by its Human Rights Monitoring Department. An independent complaints mechanism should also be established to ensure that police misconduct is effectively investigated and followed-up.

Support for minority cultures

17. A variety of cultural activities of national minorities continues to be supported by regional and local authorities in Ukraine. In addition, the Ministry of Culture has maintained the long-standing support for six minority language print media. However, clear criteria and transparent procedures for the allocation of support are still lacking and it is often not clear to minority representatives if and to what extent they will receive such support. Moreover, minority representatives do not have sufficient opportunities to participate in the decision-making process on the allocation of support. Due attention must be paid to ensure that all minority communities, including the numerically smaller ones, have equal access to financial and general administrative support, including as regards premises for their organisations. More efforts must also be made concerning the restitution of religious property to national minority communities and due attention paid to the particular significance of religious buildings and monuments for the cultural and religious identity of these groups.

Media

18. Russian language media still appears to be very present in the Ukrainian media space. The high language quotas imposed to promote the state language, however, affects disproportionately the languages of numerically smaller minorities, as the costs related to translation can at times even prevent small minority language programmes from being broadcast at all. The imposition of rigid quotas for the private sector media is not in line with Article 9 of the Framework Convention. In addition, it seems that the procedure for the allocation of licences and frequencies is not implemented in an equal manner, which again unduly affects the minority language media of numerically smaller minority communities. The support for minority language print and broadcast public sector media is generally considered insufficient to meet the needs of national minority communities, and more efforts should be made to recruit minority representatives into the media and train mainstream journalists to ensure that the concerns of national minority communities are adequately reflected in the media.

Language policy

19. No progress has been made with regard to the adoption of a consistent and up-to-date legislative framework for the use of languages in Ukraine. While a number of drafts have been submitted to parliament, they have been accompanied by divisive public debates but appear not to have been the object of comprehensive consultation with civil society, including representatives of all national minority communities. Attention must be paid to ensure that the discussions among the two larger language groups in Ukraine do not deflect attention from the other minorities, particularly numerically smaller ones who, in fact, require attention and support to ensure that they can effectively enjoy their linguistic rights. The threshold of 50% for the use of minority languages in relations with local authorities has not changed and remains too high. In addition, the threshold is not coherently implemented in the compact areas of settlement of persons belonging to numerically smaller minority communities. Flexibility should be applied and more efforts made to create an environment conducive to the use of all minority languages in public, as a reflection of Ukraine's multi-cultural society.

20. No progress appears to have been made as regards the restoration of traditional local names, street names and other topographical indications. Local authorities who, according to the Law on Local Self-Government, are responsible for deciding on such questions, are reportedly often reluctant to support minority communities in their efforts to have traditional names restored, even when they concern historic monuments that are of great significance to the minority community.

Education

21. A special consultative council for national minorities was established under the remit of the Ministry of Education and Science, Youth and Sport (hereinafter the Ministry of Education) in 2010. It serves as a platform for constructive discussions on issues of concern to national minority communities, such as those related to textbooks and their portrayal of minority cultures, as well as the language used in external school-leaver examinations. Positive changes were introduced in this regard in 2010, as exams have been provided in the seven languages of schooling and no longer only in Ukrainian. Some efforts have been made to promote opportunities for minority language teacher training. However, minority representatives consider that this is still an area of concern.

22. The Advisory Committee remains concerned by the continued lack of clear legal guarantees as regards the provision of minority language education. The decision on criteria for the opening of minority language classes is left to the local authorities, without guidance from the Ministry of Education. This results in large discrepancies in the levels of enjoyment of the right to minority language education in the different regions. There are only 15 Crimean Tatar language schools and seven Ukrainian language schools in the Crimea, which is insufficient to meet the needs of the communities concerned. Education in and of minority languages in Western Ukraine is also considered insufficient, particularly as regards the Romanian and Polish languages. More efforts must be made to ensure that minority language institutions receive an adequate supply of textbooks and that teacher training is available for education in minority languages.

23. The situation as regards access to and performance of Roma children in school remains critical. While some efforts have been made at local level, including with the support of Roma mediators, the absence of a comprehensive national plan hinders sustainable progress from being achieved. Roma children, particularly girls, continue to experience high drop-out rates and those who graduate often do so without having gained literacy. Continued reports of segregation of Roma children in special classes or schools, which are in addition reported to be often in very

poor condition, are of deep concern. Resolute and comprehensive measures must be taken, in close consultation with Roma representatives, to raise awareness among the relevant authorities and society in general on the specific concerns and needs of the Roma communities.

Effective participation

24. No efforts have been made to promote the opportunities of persons belonging to national minorities to be represented in elected bodies. On the contrary, recent amendments to the electoral laws appear to diminish further political pluralism as well as the chances for smaller parties or minority communities to be represented. The existing consultation councils, where national minority representatives are included, appear not to be consulted regularly, nor do they have an effective impact on decisions of relevance to them. The composition of the Council of the Crimean Tatar People under the President was unilaterally amended by the President which has resulted in a loss of confidence and dialogue between Crimean Tatar representatives and the authorities. Decisions regarding the composition of advisory or consultative mechanisms must be made transparently and in close consultation with the minority communities concerned to ensure that they can constitute effective mechanisms to promote the participation in public life of persons belonging to national minorities.

25. The dissolution of the SCNR at the end of 2010 has reportedly resulted in a sharp increase in applications to the Ombudsman's Office from persons belonging to national minorities as well as minority associations. Urgent action should be taken to re-establish a specialised government body with sufficient financial and human resources to co-ordinate the relevant activities of the various ministries concerning issues pertaining to the protection of persons belonging to national minorities, such as language policy, education, social policy and land distribution.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

Recommendations from the two previous cycles of monitoring

26. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue their inclusive approach with regard to the scope of application of the Framework Convention and to reflect it also in the new draft legislative framework on national minorities. The authorities were further invited to improve their dialogue with the so-called ‘sub-ethnic’ groups and to review the formal restriction of rights and freedoms to citizens in the applicable legislation.

Present situation

27. The Advisory Committee regrets that no changes have been made to the legislative framework pertaining to national minorities since the second monitoring cycle. The Framework Convention thus continues to apply to citizens belonging to one of the 130 nationalities designated in the 2001 census. While not aware of particular claims of non-citizens for protection under the Framework Convention, the Advisory Committee reiterates its concern that Article 26 of the Constitution, which provides that any person who is in the country on legal grounds should enjoy the same rights as citizens, must be applied consistently. With regard to any future legislation pertaining to national minorities, the Advisory Committee would thus like to encourage the authorities to pursue an inclusive approach and to consider extending the protection of specific articles of the Framework Convention to non-citizens. Such steps would be consistent with current efforts at the European level to develop a more nuanced approach to the application of the citizenship criterion in the protection of national minorities.¹

28. The Advisory Committee was informed that the group of approximately 10,000 persons who declared themselves as Ruthenians in the 2001 census, continues to claim specific protection as a national minority. While learning with interest in the state report that the inclusion of Ruthenians as an ethnic group in the next census was being considered, the Advisory Committee was informed during the country visit that a decision had been taken to register the Ruthenians, along with the Boikos, Hutsuls and Lemkis, as a ‘sub-ethnic’ group of the Ukrainians, as done in the census of 2001. According to the State Statistics Committee, this decision was made based on extensive research conducted by academics and independent experts. The Advisory Committee regrets that no direct discussions with the Ruthenian and other groups concerned appear to have been conducted and reminds the authorities that efforts should be made to find pragmatic solutions in close consultation with the groups concerned, taking full consideration of the principle of free self-identification contained in Article 3 of the Framework Convention, and in line with a generally inclusive approach to its personal scope of application.

Recommendation

29. The Advisory Committee reiterates its recommendation to establish a constructive dialogue concerning a possible recognition as a national minority with the groups concerned, taking full consideration of the principle of free self-identification contained in the Framework

¹ See Report on Non-Citizens and Minority Rights, CDL-AD(2007)001, paragraph 137, adopted by the Venice Commission at its 69th plenary session on 15-16 December 2006.

Convention, and to pursue a generally inclusive approach towards the personal scope of application of the Framework Convention.

Population census

Recommendations from the two previous cycles of monitoring

30. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to conduct awareness-raising campaigns ahead of the 2011 population census to ensure the free and informed choice by all persons belonging to national minorities with regard to the optional declaration of their ethnic identity. In addition, it underlined that no ethnic data focusing on certain national minorities should be collected by law-enforcement bodies without adequate legal safeguards and without respect for the free self-identification by the persons concerned.

Present situation

31. The Advisory Committee was informed during the country visit that the population census scheduled for 2011 had been postponed due to financial reasons, and is likely to take place in 2013. While acknowledging the high cost involved in such an exercise, the Advisory Committee regrets this delay and underlines that governmental and non-governmental interlocutors alike consider the population census as crucial to obtain accurate data on the composition of Ukrainian society which is increasingly diverse. Updated information on the population, including ethnicity and language, is particularly important in Ukraine, where questions surrounding the size of language groups in certain areas have polarised society for years. The Advisory Committee further regrets that the authorities continue to refer to the census as the sole means of obtaining such information, as other data collection systems or surveys do not inquire into the ethnic or language background of the population (see also remarks on Article 4 below).

32. The Advisory Committee was pleased to see, however, that the preparations for the census are already ongoing and that the responsible authorities are aware of the necessity to train carefully enumerators, including persons belonging to national minorities, ahead of the census. Close consultations with minority communities in the preparation of the census are of crucial importance, given that some minority communities claim that their numbers were not accurately reflected in the previous census of 2001. The Advisory Committee reminds the authorities that careful attention must be paid to ensure that enumerators as well as the interviewees are made aware of the right to free self-identification of persons belonging to national minorities, including by foreseeing the possibility to opt for none or a multiple ethnic and/or linguistic identity in the census questionnaire.² In this context, the Advisory Committee underlines that interviewees should not be encouraged to opt for a single affiliation and that efforts should be made to ensure that multiple affiliations can be processed and accurately reflected in the results of the census rather than being counted as ‘other’.

Recommendation

33. The Advisory Committee encourages the authorities to make all efforts to ensure that a comprehensive population census is conducted as soon as possible and that it is prepared in close consultation with minority representatives. Care must be taken to ensure that the

² Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, paragraph 426: “respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so”, paragraph 431: “Questions will generally refer to one language only. Multiple languages may be required for the mother tongue and main languages of minority groups”.

information is gathered and processed in full compliance with the principle of free self-identification as contained in Article 3 of the Framework Convention.

Article 4 of the Framework Convention

Legislative and institutional framework protecting national minorities

Recommendations from the two previous cycles of monitoring

34. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to facilitate a wider public debate on the Draft Concept for State Ethnic Policy in close co-operation with representatives of national minorities and ensure that relevant legislative reforms regarding, in particular, the Law on National Minorities and the Law on Languages were developed in a coherent way, without regressing from the existing level of protection and with full respect for the relevant international standards.

Present situation

35. The Advisory Committee notes with deep concern that no new legislative framework relating to the protection of national minorities has been adopted since the second monitoring cycle, and that the protection of national minorities remains insufficiently regulated by the 1992 Law on National Minorities, which is widely considered outdated and too vague in its provisions. It was informed that neither the preparation of the Draft Concept for State Ethnic Policy, nor previous efforts to amend the Law on National Minorities have advanced. Moreover, governmental and non-governmental observers alike question the likelihood of a swift adoption of any such legislative texts, given the upcoming Parliamentary Elections in October 2012 and the fact that questions relating to minority protection are considered highly sensitive. Hence, the legislative framework in force remains outdated and inconsistent, which results in a gap in legal certainty for persons belonging to national minorities with regard to the enjoyment of their constitutionally guaranteed rights, such as in the areas of education, language, or representation in elected bodies. In addition, the Advisory Committee notes with deep concern that the State Committee on Nationalities and Religions (SCNR), a specialised government body dealing with issues relating to national minorities and religions, was dissolved at the end of 2010 in the context of a broader administrative reshuffle (see comments on Article 15 below).

36. As regards the restoration of property and land rights of formerly deported persons, the Advisory Committee notes with concern that individual applications are frequently refused with reference to the fact that the 1991 Law on the Rehabilitation of Victims of Political Repression in Ukraine does not apply to the deportations carried out between 1941 and 1944. In addition, terms such as ‘indigenous peoples’ or ‘deported peoples’ are mentioned in the Constitution but without giving a definition and without granting clearly defined rights to persons belonging to these groups. The Advisory Committee expects that the Draft Law on the Restoration of Rights of Persons Deported on Ethnic Grounds, submitted to parliament in February of 2010, will be adopted without further delay to remedy this gap. Representatives of the Crimean Tatars submitted, equally in 2010, a Draft Law on the Status of Crimean Tatar People in Ukraine, which was favourably discussed by the Committee on Human Rights, National Minorities and Inter-ethnic Issues of the Verkhovna Rada but, unfortunately, not yet included in the official agenda of parliament.

Recommendations

37. The Advisory Committee urges the Ukrainian authorities to renew their efforts to adopt without delay and in close consultation with the groups concerned, an adequate and comprehensive legal framework for the protection of national minorities.

38. The Advisory Committee further urges the authorities to take all necessary measures to adopt, without delay, an adequate legal framework regarding the restoration of rights of formerly deported peoples.

Legislative and institutional framework for protection against discrimination*Recommendations from the two previous cycles of monitoring*

39. In the previous monitoring cycles, the Advisory Committee urged the authorities to develop comprehensive anti-discrimination legislation and provide effective remedies against discrimination by public and private entities. It further pointed out that information related to the number and nature of cases of discrimination should be collected to ensure an effective evaluation of the legislative and institutional mechanisms in place.

Present situation

40. The Advisory Committee notes with concern that comprehensive anti-discrimination legislation has still not been adopted, despite repeated recommendations by international monitoring bodies, including the Advisory Committee. While the Ministry of Justice has developed a ‘Strategy for Combating and Counteracting Discrimination’ as well as a Draft Presidential Decree to launch that Strategy, the Advisory Committee shares the concerns of civil society representatives that these steps may further delay the adoption of the necessary legislation. The Draft Decree, even if adopted, would not serve to redress the current lack of enforceable guarantees for the protection of discrimination, as it does not cover private relations, nor does it contain a common definition of discrimination, including its direct and indirect dimensions. In addition, a decree will have a lower legal status than the relevant laws that require amendments to establish effective legal remedies against discrimination.

41. The Advisory Committee is pleased to note that some relevant provisions of the Criminal Code, including Article 161 which prohibits incitement to racial hatred, were amended in 2009, extending the list of offences for which racist motivation is considered an aggravating circumstance, and increasing the maximum sentence for crimes involving racial hatred. However, Article 161, for instance, remains very seldom invoked (see comments on Article 6 below), as it establishes criminal liability only for ‘deliberate actions’ that incite ethnic hostility, which is very difficult to prove. In addition, this provision is only applicable when the act is directed against a specific person, not against an ethnic group or a people as a whole.

42. Moreover, following the above-mentioned dissolution of the SCNR, which had been the main institution tasked with coordinating the fight against racism and discrimination, the Inter-Departmental Working Group against Xenophobia and Ethnic and Racial Intolerance was also abolished, and the operational units established within the Ministry of Interior for investigating and combating racially or ethnically based crimes have ceased functioning. The Advisory Committee notes with deep concern that there is currently no institutional mechanism in place to coordinate the efforts to combat racism and discrimination in Ukraine.

43. The Advisory Committee notes with interest, however, the concerted efforts by civil society representatives and experts to develop draft comprehensive legislation for the protection

against discrimination, containing civil and administrative anti-discrimination provisions and providing for effective mechanisms for enforcement and redress.

Recommendations

44. The Advisory Committee urges the authorities to adopt without delay comprehensive anti-discrimination legislation covering all fields of life and providing for effective enforcement mechanisms and remedies. The Advisory Committee further recommends that the legislation is prepared in close consultation with relevant civil society representatives, particularly as regards the draft legislation already prepared.

45. The Advisory Committee further calls on the authorities to establish urgently an institutional mechanism to co-ordinate all efforts to combat racism and to monitor comprehensively and effectively all manifestations of discrimination in society.

Efforts to ensure full and effective equality

Recommendations from the two previous cycles of monitoring

46. In the previous monitoring cycles, the Advisory Committee called on the authorities to consider taking resolute measures to redress the situation of persons belonging to disadvantaged national minorities, including through special measures to promote their full and effective equality. Obstacles faced in particular by Roma in their access to social rights had to be eliminated. In addition, the Advisory Committee encouraged the authorities to provide law enforcement officials and the judiciary with relevant human rights training.

Present situation

47. The Advisory Committee welcomes efforts by regional and state authorities, in particular in the Odessa and Transcarpathia regions, to promote the effective equality of persons belonging to disadvantaged groups, such as the Roma. It notes, however, that these efforts are reportedly of an ad hoc nature and lack the consistency and depth required to result in sustainable changes. Roma representatives have repeatedly underlined the need for a comprehensive national Action Plan to be adopted, so far without success. While efforts have been made, for instance, to issue birth certificates and other identity documents to persons belonging to Roma communities, the Advisory Committee received worrying reports that a significant part of the Roma population, in some areas of the Transcarpathia region, is still without the necessary identity documents which prevents their access to a number of important social rights. In addition, the Advisory Committee learned that prejudice against and stereotypes of the Roma people still prevail in Ukrainian society and result in disadvantages and lack of equality in a number of areas, including education, provision of health services, and employment (see comments on Articles 6, 12 and 15 below). In addition, the Advisory Committee is deeply concerned about continued reports of sub-standard living conditions for many Roma.³

48. In addition, the Advisory Committee is deeply concerned by continued reports of targeted fingerprinting of persons belonging to Roma communities, which is still carried out in the context of settlement 'raids', conducted reportedly often with excessive use of force (see comments on Article 6 below). The Advisory Committee further heard disconcerting reports about unequal treatment of Roma by law enforcement bodies and within the justice system, where Roma are reportedly identified and treated as suspects even if they are witnesses or themselves victims of a crime. This is incompatible with Article 4 of the Framework Convention. It was alarmed by reports of 'collective punishment' in, for instance, Lviv where,

³ See, among others, Fourth ECRI report, February 2012.

on 14 February 2012, a whole family appears to have been taken into custody in connection with an investigation into a crime allegedly committed by the father.

49. The Advisory Committee further notes that substantial efforts have been made to promote the integration of Crimean Tatars, returning from Uzbekistan and other countries, including in the areas of housing, infrastructure and education. Nevertheless, the Advisory Committee learned from governmental and non-governmental representatives alike that the results are far from sufficient in meeting the needs of the approximately 280,000 persons who have returned. The Advisory Committee is deeply concerned that the living conditions in many of the settlements continue to be sub-standard, with limited access to water and electricity, and often no paved roads.⁴ The situation is particularly unsatisfactory in the unauthorised settlements where a large number of Crimean Tatars continue to live. In addition, many of the inhabitants of legalised settlements still face problems regarding the formulation and processing of their land titles, even though they have lived there for 20 years.

50. Given the particular disadvantages faced by specific groups in Ukraine, such as the Roma and Crimean Tatars, the Advisory Committee deeply regrets that no comprehensive and special measures are in place to address these inequalities. It notes with deep concern, for instance, that draft legislation related to the Crimean Tatar population has not progressed because of the official argument that it would constitute the granting of special rights to them as people deported on ethnic grounds, which would not be permissible under Article 24 of the Constitution.⁵ The Advisory Committee heard similar views expressed by regional authorities with regard to the inequalities suffered by Roma. The Advisory Committee reiterates its view that such an understanding of special measures for disadvantaged minority groups is not in line with the principles of Article 4.2 and Article 4.3 of the Framework Convention and does not take into account the undertaking by States Parties in this article to adopt, where necessary, adequate measures to promote full and effective equality.⁶

51. In this context and given the particular complexity and cost of ensuring the integration of the large Crimean Tatar population, the Advisory Committee notes proposals to convene an International Forum related to the situation of the Crimean Tatars, with the aim of attracting international funding and assistance for the sustainable promotion of their full and effective equality. The Advisory Committee strongly welcomes this initiative as an opportunity to promote effectively the equality of the Crimean Tatars, including by agreeing a roadmap of concrete measures in the areas of land restitution and legalisation, housing, schools, and adequate infrastructure. At the same time, the Advisory Committee points out that international support cannot substitute the responsibility of the state to devise and implement relevant policies.

Recommendations

52. The Advisory Committee urges the authorities to adopt, with international support where appropriate, comprehensive strategies containing special positive measures to promote the full and effective equality of formerly deported persons, such as the Crimean Tatars, in line with Article 4 of the Framework Convention.

⁴ The Advisory Committee visited one authorised settlement, where approximately 6,000 persons live, and saw several unauthorised settlements.

⁵ Article 24 of the Constitution provides in paragraphs 1 and 2: *Citizens have equal constitutional rights and freedoms and are equal before the law. There shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.*

⁶ See Framework Convention for the Protection of National Minorities and Explanatory Report, H(1995)010, February 1995.

53. In addition, the Advisory Committee urges the authorities to adopt without further delay a comprehensive national action plan for promoting the full and effective equality of Roma in all areas, including as regards the issuance of identity documents in order to ensure adequate access to public services.

Data collection

Recommendations from the two previous cycles of monitoring

54. In the previous monitoring cycles, the Advisory Committee called on the authorities to reinforce efforts to obtain relevant statistical data on the situation of persons belonging to national minorities, in particular those belonging to disadvantaged minorities. Ethnic data had to be collected in close co-operation with national minority representatives and with full respect for the personal data protection safeguards.

Present situation

55. The Advisory Committee regrets that no progress has been made regarding the collection of up-to-date and accurate data on the number and situation of persons belonging to national minorities. While the Ministry of Social Policy is gathering disaggregated data on the age and gender of beneficiaries, data on ethnic background is still not being processed in any of the surveys. Such a collection, however, would provide the authorities with indispensable information for the development of targeted policies to promote the effective equality of the most disadvantaged groups. In the absence of any such official data collection, the Advisory Committee regrets that alternative information, gathered by civil society and independent research, seems not to be used by the authorities as a means of monitoring access to rights and benefits of the most disadvantaged sectors of the population. The Advisory Committee reiterates its view that an accurate understanding of the situation and access to rights of relevant groups is crucial for the development, implementation and evaluation of any policy aimed at promoting full and effective equality. This information should be gathered in close consultation with representatives of the groups concerned and in full respect of relevant international data protection standards.

Recommendation

56. The Advisory Committee reiterates its strong recommendation to the authorities to develop mechanisms for the regular collection of updated information on the number of persons belonging to national minorities, as well as on their situation as regards access to rights. Data from different sources should be evaluated and processed, such as that obtained through household and labour force surveys, as well as independent research, in line with relevant personal data protection standards and in close consultation with minority representatives.

Article 5 of the Framework Convention

Support for minority cultures

Recommendations from the two previous cycles of monitoring

57. In the previous monitoring cycles, the Advisory Committee called on the authorities to increase their support to national minority associations and their cultural centres and monuments, including by rendering the procedure for the allocation of financial support more transparent, objective and participatory.

Present situation

58. The Advisory Committee welcomes the continued support provided by the Ukrainian authorities to a range of cultural activities of minority associations, such as the maintenance of minority language libraries and theatres, as well as the organisation of festivals and other cultural events. It notes that the functions formerly carried out by the SCNR with regard to the provision of state funding for cultural initiatives have now been handed over to the Ministry of Culture. While a special budget line is still foreseen for the allocation of cultural support of national minorities, which is used mainly for the support of six minority print media (see comments on Article 9 below), this budget now also covers the support to the Ukrainian diasporas abroad, as well as activities of the bilateral commissions with Hungary, Romania and the Slovak Republic. The Advisory Committee shares the concern of representatives of several minority communities that this new situation results in less attention being paid to their interests, particularly given the fact that the Council of Representatives of All-Ukrainian Associations of National Minorities, that functioned under the SCNR is no longer meeting regularly (see comments on Article 15 below) and minority associations often do not even have the possibility to express their needs to the relevant authorities, nor to have any impact on decisions taken on their behalf.

59. The Advisory Committee further notes that minority cultural activities are mainly supported by regional and local authorities. However, it notes with concern that there appear to be no clear eligibility criteria for receiving such support and, in the absence of transparent and participatory procedures, allocations appear to be made on an *ad-hoc* and sometimes arbitrary basis. In addition, subsidies are reportedly frequently paid out at the end of the calendar year, which makes them very difficult to process for the associations. The Advisory Committee further learned that few organisations in Lviv region, as well as in the Autonomous Republic of the Crimea (the Crimea), receive baseline funding or general administrative support, for instance through the provision of cultural centres. While some associations appear to have obtained access to such centres, others are provided with low-rent premises but have to pay commercial rates for utilities, while others do not receive any support. The Advisory Committee regrets the absence of a clear and transparent procedure for the allocation of support, and notes, also a lack of involvement of minority associations in decisions related to subsidies at the regional level.

60. The Advisory Committee further regrets that, overall, support for minority cultural activities such as theatres or festivals is reportedly diminishing. While acknowledging the effects of the economic crisis on regional and municipal budgets, attention must be paid to ensure that cuts do not disproportionately affect minority communities. In addition, the Advisory Committee fears that the lack of procedural transparency and participation in the allocation of support to minority cultural activities carries the risk of creating tensions between the various minority communities. The Advisory Committee learned, for instance, that numerically smaller minorities have for years been asking for the creation of a 'House of Friendship' in Simferopol in the Crimea but have not received any support, while authorities have reportedly provided significant support to a Russian cultural centre. The Advisory Committee finds that more efforts should be made to create a transparent system for the allocation of financial support, and to involve representatives from all minority groups concerned in the decision-making process. Due attention should be paid to the maintenance of inter-ethnic harmony, including through the creation of multicultural 'Houses of Friendship' which can benefit several minority communities.

Recommendations

61. The Advisory Committee urges the authorities to establish clear criteria and procedures for the allocation of financial support for minority cultural activities, and to consult closely and comprehensively with the groups concerned, ensuring that representatives of minority communities can have an effective impact on allocation decisions.

62. The Advisory Committee further invites the authorities to ensure that all minority communities, particularly the numerically smaller ones, are encouraged to develop cultural initiatives and have equal access to available funding.

Restitution of religious property and places of worship

Present situation

63. The restitution of religious property, which has been ongoing for several years in Ukraine, has been subject to considerable delay. The Advisory Committee regrets that, apart from the crucial importance that religious monuments have for the maintenance of the religious and cultural identity of national minority communities, this delay is also impacting on the possibility of minority communities to obtain proper places of worship and manifest their religious beliefs. This issue is therefore of great concern to a number of national minorities. No progress has been made in Simferopol, for instance, with regard to the return of the Kenassa to the Karaite community, despite the fact that the relevant decision was apparently taken long ago. The Advisory Committee also learned with concern that a former synagogue building in the Crimean town of Alushta, that was supposed to be returned to the Jewish community, was destroyed to make space for a new entertainment centre, while the Jewish community in Simferopol, which was given back the building of the synagogue, is forced to lease the corresponding land at commercial rates, despite the fact that this property was confiscated from the community by the state during Soviet times. The Roman Catholic community in Sebastopol continues to demand the return of the Catholic Church, which currently houses a movie theatre. While acknowledging the complexity and difficulty of the task of returning confiscated property, that has often been privatised, the Advisory Committee reminds the authorities of the particular importance of religious buildings and monuments for the maintenance of the religious and cultural identity of national minorities, and considers that all parties concerned should co-operate closely in order to find swift and effective solutions, while maintaining dialogue and mutual understanding.

Recommendation

64. The Advisory Committee calls on the authorities to increase their efforts to return religious properties and buildings to the minority communities concerned. Pragmatic solutions should be found through close dialogue in order to facilitate without delay the return of buildings and monuments that are of crucial importance to the maintenance of the cultural and religious identities of the national minorities concerned.

Article 6 of the Framework Convention

Efforts to combat intolerance and racism

Recommendations from the two previous cycles of monitoring

65. In the previous monitoring cycles, the Advisory Committee urged the authorities to reinforce their efforts to combat racist behaviour, including through vigorous investigation and

prosecution of all manifestations of racism, as well as the adequate recording of all racially-motivated incidents for monitoring and training purposes. The Advisory Committee further encouraged the authorities to raise awareness among the general population of the importance of tolerance and respect for diversity.

Present situation

66. The Advisory Committee notes a number of efforts made in 2008, under the auspices of the former SCNR, to work more effectively against racial discrimination and intolerance, such as the creation of an Inter-Agency Working Group against racism and the subsequent adoption of a Plan of Action to Combat Xenophobia and Racial and Ethnic Discrimination in Ukraine. However, it shares the concerns expressed by ECRI and other international monitoring bodies that, following the dissolution of the SCNR, no further action has been taken and the Working Group has ceased to function.⁷ This is of deep concern to the Advisory Committee as representatives of a number of minority communities have referred to a general increase in hostile attitudes and acts of intolerance in recent months against persons belonging to national minorities.⁸ The Advisory Committee understands that the economic crisis, coupled with the perception of democratic regression, have prompted general anxiety and a sense of pessimism in society, that expresses itself in increased xenophobia and less tolerance towards persons belonging to minorities. This situation requires an urgent and coordinated response by the authorities in order to prevent further deterioration.

67. The Advisory Committee further notes with concern that, despite some amendments made to the Criminal Code to increase its applicability and effectiveness in sanctioning racially motivated offences (see comments on Article 4 above), only very few cases appear to have been investigated, which contradicts the unanimous views expressed by minority and civil society representatives of an actual increase in racially-motivated crime. The Advisory Committee is concerned by reports that the racist motivation of such offences is often not acknowledged by the prosecution services,⁹ and notes further that it obtained during its country visit differing statistics on the application of the relevant articles of the Criminal Code in past years. It therefore fears that there is still no unified understanding of racism and racially-motivated crime within the relevant authorities (law enforcement agencies, prosecution services, and the judiciary) nor the general public, which, however, is a crucial condition to ensuring the effective identification, registration and sanctioning of such crimes. Comprehensive training and awareness-raising is indispensable within these bodies to ensure that such crimes are swiftly and adequately investigated and sanctioned, as well as comprehensively recorded.

Recommendations

68. The Advisory Committee urges the authorities to increase their efforts with regard to the fight against racism and intolerance. A coordinating body should be established without delay to perform the role of the former SCNR in the development and implementation of a comprehensive government strategy against racism at all levels.

69. The Advisory Committee further urges the authorities to engage in comprehensive training and awareness-raising activities among the relevant public services, in particular prosecution services and law enforcement agencies, as well as in society in general, to ensure

⁷ See *Concluding observations of the Committee on the Elimination of Racial Discrimination – Ukraine*, September 2011, and ECRI Fourth report on Ukraine, February 2012.

⁸ According to research conducted by the Institute of Sociology of the National Academy of Sciences of Ukraine covering the period of 1994 until 2010, levels of intolerance in society against Russians and Crimean Tatars doubled, whereas they grew three times against Jews and five times against Roma.

⁹ See also Amnesty International report *Ukraine: Government must act to stop racial discrimination*, July 2008.

that acts of racism and racially-motivated crime are appropriately identified, recorded, investigated and sanctioned.

Inter-ethnic and inter-religious hostility

Present findings

70. The Advisory Committee notes with concern that the number of inter-ethnic and inter-religious incidents, including vandalism against religious and cultural sites, appears to be increasing throughout Ukraine, but particularly in Western regions and the Crimea. Lviv region continues to serve as an attractive venue for meetings and parades of nationalists, fuelled by the ‘Ukraine for Ukrainians’ slogans used by some politicians, who gained considerable support in the 2010 local elections. The Advisory Committee notes with deep concern the continued reports of anti-Semitic rhetoric and public statements which, in addition, prompt an increase in inter-ethnic hostilities between pro-Russian activists and supporters of the Freedom Party.¹⁰ It welcomes in this regard efforts by the authorities to promote awareness and commemoration of Ukrainian history during and immediately after World War II, including as regards persons belonging to national minorities in Western Ukraine.

71. The Advisory Committee further notes with deep concern reports from minority representatives, as well as from persons belonging to the Ukrainian population that inter-ethnic hostility in the Crimea is generally considered to be rising. Some violent clashes occurred in Summer 2011 in the Eastern Crimean town of Feodosiya, where regional “Russian Cossack” organisations placed a large, wooden cross at the entrance to the town to commemorate the victims of World War II. While the cross was dismantled by Ukrainian special forces, the move is widely seen as an effort to provoke the Crimean Tatars. More such crosses have been erected, including in the village of Koktebel in January 2012, and have been partially dismantled by Crimean Tatars. The Advisory Committee is deeply concerned by this situation which, according to representatives of various minority communities, has resulted in a notable increase in inter-ethnic and inter-religious hostility and requires urgent intervention by the authorities, in order to restore and promote inter-ethnic understanding and dialogue.

Recommendation

72. The Advisory Committee urges the authorities to take all necessary measures to prevent, condemn unanimously and appropriately sanction any provocation of inter-ethnic or inter-religious hostility, and to promote a climate of mutual dialogue and understanding between the various communities.

Countering hate speech in the media and in politics

Recommendations from the two previous cycles of monitoring

73. In the previous monitoring cycles, the Advisory Committee called on the Ukrainian authorities to take further measures, with full respect for the freedom of the media, to diminish stereotyping and negative portrayal of persons belonging to different national minorities, immigrants, asylum seekers, refugees and foreigners, in the media. Ethical training had to be provided to journalists and the creation of self-regulatory body, including an effective complaints mechanism, considered.

¹⁰ Partially violent clashes took place, for instance, between pro-Russian activists, including from Crimea, and Ukrainian nationalists during Victory Day Celebrations on 9 May 2011 in Lviv.

Present situation

74. The Advisory Committee notes with regret that, despite some efforts by the authorities to curtail the use of language that may incite inter-ethnic hatred in the media, the situation does not appear to have improved since the second cycle of monitoring. The Advisory Committee is, in particular, concerned about continued practices of stereotyping Roma and Muslims, particularly by the local print media, while not presenting any objective information on issues of concern to the particular groups. While some non-binding self-regulatory steps were taken by TV broadcasters as well as by the national union of journalists, which reportedly set up a commission on journalists' ethics, the overall awareness among journalists of the impact of the media on inter-ethnic relations in society still appears low, which facilitates the use of the media by some politicians against particular groups. A marked increase of nationalistic and xenophobic political statements was observed in the run-up of the election campaigns in 2009 and 2010 and minority representatives feel that these - widely published and often unpunished - remarks or speeches by high-ranking politicians have further fuelled hostile attitudes in the general public. This is of deep concern to the Advisory Committee, particularly given the upcoming Parliamentary Elections in October 2012.

75. In addition, the Advisory Committee notes that overall media coverage of issues concerning minority protection continues to focus mainly on the situation of the Russian minority and language issues. According to governmental and non-governmental interlocutors, public and media concentration on these topics is increasing, thereby deflecting attention and interest in issues of concern to other minority communities. The Advisory Committee is concerned by this unbalanced involvement of the media in minority protection issues which results in an increased polarisation of society that is not conducive to inter-ethnic tolerance and social cohesion. The Advisory Committee notes with concern reports from representatives of all communities that inter-ethnic hostilities in the Crimea are rising and are further fuelled by the local media. It is concerned in this regard by the views expressed by some regional authorities it met that the press and its sometimes hostile views should not be interfered with.

76. Like in other European countries, Ukraine has also seen an increase of racist and nationalistic discourse on the Internet. The Advisory Committee is pleased to note that a special department for the fight against cybercrime has been created within the Ministry of the Interior and expects that this step will prove useful not only in the detection of racist crime on the Internet but also in the prompt investigation and sanctioning of such offences.

Recommendations

77. The Advisory Committee urges the authorities to take more resolute steps to prevent negative stereotyping of minority communities in the media, while fully respecting the freedom of the press. Efforts to train journalists and media professionals must be increased, including by further promoting the visibility and effectiveness of the work of the national union of journalists in this regard.

78. The Advisory Committee further urges the authorities to ensure that public statements of politicians that incite racist or ethnic hatred are unequivocally condemned, promptly investigated and adequately sanctioned, to ensure that such discourse is not condoned in society.

Law enforcement bodies*Present situation*

79. The Advisory Committees notes with deep concern continued and widespread allegations of police misconduct and harassment against some groups, especially refugees,

asylum seekers and the Roma. It is in particular concerned by repeated raids conducted on Roma settlements, such as those carried out on 30 December 2011 and 11 January 2012 in Uzhgorod, where tear gas and rubber batons were reportedly used indiscriminately against residents of all ages. Law enforcement bodies reportedly still engage in systematic fingerprinting and photographing of Roma males, who are also, along with other persons that may appear ‘non-Slavic’, victims of targeted identity checks in public places, as well as arbitrary arrests. The Advisory Committee is deeply concerned by these practices which are not compatible with Article 6 of the Framework Convention and require an urgent response by the authorities. While the Ministry of the Interior appears to be aware of the situation and has continued the work of its ‘Human Rights Monitoring Department’,¹¹ the Advisory Committee agrees with other monitoring bodies as regards the urgent need for regular human rights training of law enforcement officials as well as the necessity to establish an independent complaint mechanism to investigate police misconduct.¹²

80. The Advisory Committee is further concerned by reports that acts of vandalism against religious or cultural sites of national minorities continue to occur in all parts of Ukraine, that these incidents are not adequately investigated by law enforcement officials, that they are often referred to as ‘hooliganism’ and that bribes are extorted by officials in some cases as a condition for investigating such incidents (see comments on Article 4 above). The situation is further exacerbated by the fact that only very few persons belonging to national minorities have been recruited into law enforcement bodies. The Advisory Committee fears that such a situation undermines the trust of minority communities in the police and in the rule of law in general, which is seriously detrimental to inter-ethnic tolerance and mutual understanding in society.

81. The Advisory Committee further received disconcerting reports that regional “Russian Cossack” squads were still being used by law enforcement agencies in the Crimea for specific tasks, such as forced evictions.¹³ The Advisory Committee notes with deep concern that the continued use of these units raises serious questions of compatibility with Article 6 of the Framework Convention.

Recommendations

82. The Advisory Committee urges the authorities to take resolute steps to prevent and combat the reported racially-motivated misconduct among law enforcement officials. Any such allegations must be promptly and effectively investigated and appropriately sanctioned. All law enforcement personnel must receive initial and ongoing training on their rights and duties during service, including relevant human rights standards.

83. The Advisory Committee further urges the authorities to put an end immediately and unequivocally to any use of “Russian Cossack” squads in law enforcement operations.

¹¹ The Human Rights Monitoring Department was set up in 2010 to review the behaviour of law enforcement bodies, liaise with non-governmental organisations, and some training among staff.

¹² See ECRI Fourth report on Ukraine, February 2012. See further Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe on the Administration of Justice and the protection of human rights in the justice system in Ukraine, CommDH(2012)10, 23 February 2012.

¹³ The Advisory Committee was informed, for instance, that a family of Crimean Tatars was evicted by a regional “Russian Cossack” squad from their home in Yevpatoria on 23 January 2012.

Article 8 of the Framework Convention

Manifestation of religious beliefs and places of worship

Present situation

84. The Advisory Committee welcomes the fact that, due to continued efforts by the Crimean Tatar community, a decision was finally taken in 2011 by the City Council of Simferopol to approve the construction of a central mosque on land that was allocated for this purpose in 2004. Construction of the building had, however, not yet begun in Spring 2012, due, among others to the opposition of parts of the population. Generally, the Advisory Committee notes that a number of minority communities, particularly Muslims, report that there is little understanding and knowledge in society in general of their religion, which is sometimes aggravated by increased stereotyping in society of Muslims as extremists. These hostile attitudes can infringe the freedom to manifest one's religion or belief, as protected by Article 8 of the Framework Convention. In addition, the Advisory Committee notes reports of a prioritisation of the religious concerns of Christians among many local authorities, in particular in relation to the allocation of burial sites and the restitution of religious property (see comments on Article 5 above), which can result in a shortage of suitable places of worship for minority communities. The Advisory Committee reminds the authorities of the crucial importance of places of worship for minority communities to manifest adequately their religious beliefs.

Recommendation

85. The Advisory Committee calls on the authorities to increase their efforts to ensure that the right of persons belonging to national minorities to manifest their religious beliefs is effectively protected.

Article 9 of the Framework Convention

Legislation on television and radio broadcasting in minority languages

Recommendations from the two previous cycles of monitoring

86. In the previous monitoring cycles, the Advisory Committee called on the authorities to review the language quotas pertaining to public service operators to ensure that they did not excessively limit the rights of persons belonging to national minorities to access the media, and to clarify the legal regime applicable to private operators. In addition, the authorities were requested to review the imposition of translation requirements on minority language programmes, including foreign broadcasts.

Present situation

87. The Advisory Committee regrets that there have not been any substantial developments since the second monitoring cycle. According to Article 10 (4) of the 2006 Law on Television and Radio Broadcasting, 75% of nation-wide broadcasts must be in the Ukrainian language. This provision applies to all TV and radio companies, whether state, regional or municipal, private or public. Special language quotas have been established in some regions, in line with the data collected in the 2001 census.¹⁴ The Advisory Committee further learned that subsequent decisions of the National TV and Radio Council raised the quotas for nation-wide broadcasting to 80% in September of 2008, and to 85% from October 2010. While reiterating that such

¹⁴ See State Report, page 28.

regulation of the private media sector raises issues of compatibility with the provisions of Article 9 (1) and (3) of the Framework Convention, the Advisory Committee is deeply concerned at the reported arbitrariness with which the quotas are applied. According to a number of interlocutors, the quotas are only inefficiently applied to Russian language media, which in practice still dominates the Ukrainian media scene. The quotas however severely limit the possibilities for broadcasting in other minority languages and even prevents the setting up of private minority language media outlets.

88. The Advisory Committee further notes with concern reports from a number of minority representatives that the procedure for the allocation of licences and frequencies, which is overseen by the National Television and Radio Council, lacks transparency and is marred by corruption. The Advisory Committee reminds the authorities that the issuance of licenses must be equal and based on objective criteria. In addition, measures should be taken to ensure that minority communities are adequately represented in the Council to ensure that their views and concerns are effectively considered. Efforts to promote the State language should be pursued through incentive-based and voluntary methods rather than through the imposition of rigid quotas or sanctions, and flexibility must be applied to ensure that smaller minority languages are not disproportionately affected, or excluded from the media.

89. The Advisory Committee notes that short programmes in a number of minority languages (among which Crimean Tatar, Romanian and Hungarian) continue to be broadcasted weekly on public TV. While acknowledging these efforts, it notes that the frequency and length of these programmes are considered to be too limited by representatives of the national minorities concerned. Representatives of numerically smaller minority communities, such as the Greeks, Bulgarians or Armenians, also report that the public TV and radio broadcasting is inadequate to meet their needs. According to information received during the country visit, there are still no TV or radio broadcasts in the Polish language or in Romani in the Transcarpathia region. The Advisory Committee reminds the Ukrainian authorities that minority language media is a crucial means to maintain and promote minority languages and culture and should therefore be actively supported by the authorities. The Advisory Committee notes further that the presence of persons belonging to national minorities in mainstream media is also limited and that there is a need for more trained journalists with a national minority background to ensure that persons belonging to national minorities have access to domestically produced media in their languages.

90. As regards dubbing and sub-titling of films, the Advisory Committee was informed that domestically-produced or foreign films, shown on TV or in cinemas, can be shown in minority languages in three regions: Odessa region, the Crimea and in Eastern Ukraine. In all other areas of Ukraine, the obligation to dub, post-synchronise or sub-title the film into the State language, according to Article 14 of the Law on Cinematography, applies, which again affects in particular the numerically smaller communities for whom the costs of production are considerably increased.

Recommendations

91. The Advisory Committee calls on the authorities to take appropriate measures to ensure that persons belonging to national minorities, particularly numerically smaller ones, have wider access to radio and television broadcasts available in their languages. Steps must be taken to ensure that the State language quota system in the media as well as the allocation of frequencies and broadcasting licenses is implemented in an even manner and does not disproportionately affect languages of numerically smaller minorities.

92. The Advisory Committee further encourages the authorities to take all appropriate measures to recruit more minority representatives in the media and train adequately journalists

from mainstream media to ensure that the concerns of persons belonging to national minorities are adequately reflected.

Print media

Recommendations from the two previous cycles of monitoring

93. In the previous monitoring cycles, the Advisory Committee invited the authorities to consider increasing the financial support for newspapers published in minority languages, especially for numerically smaller groups, and to develop, in consultation with national minorities, objective criteria for the allocation of public support.

Present situation

94. The Advisory Committee notes that, following the dissolution of the SCNR, responsibilities for the provision of support to minority associations, including as regards support to minority language print media, was handed over to the Ministry of Culture (see comments on Article 5 above). According to data received from the Ministry's 'Sub-department of national minorities and Ukrainian diasporas', state support to six minority language newspapers (Bulgarian, Crimean Tatar, Yiddish, Romanian, Armenian and Polish) was continued and slightly increased in 2011.¹⁵ The Advisory Committee regrets, however, that no progress appears to have been made to establish clear criteria and transparent procedures for the selection of minority language newspapers that receive public - state or regional - funding. Whilst many more minority language publications, both bilingual and multilingual, exist, these are financed mainly through private means or with the support of neighbouring countries. Particularly the numerically smaller minorities are facing difficulties in financing their newspapers and have, reportedly, met with difficulties in convincing regional authorities that their publications are important contributions to the promotion of the minority language and culture, even if not commercially viable. Moreover, the existence even of large and long-standing publications, such as the Crimean Tatar language newspaper 'Krim,' is reportedly threatened as they do not receive sufficient support.

95. As regards access to the media as well as presence in media coverage, the Advisory Committee further notes reports from numerically small minorities, such as the Gagauz, that their concerns, culture and language are not reflected at all in national or regional print media. The Advisory Committee underlines the importance of the media to promote tolerance and cultural awareness in society, among others through the accurate portrayal of the living conditions and access to rights of the different groups by journalists with a minority background. To this end, it is important that journalists receive adequate training and that the recruitment of minority representatives into the media is actively encouraged.

Recommendations

96. The Advisory Committee calls on the state and regional authorities to acknowledge the crucial importance of minority language print media for the preservation of minority languages in the public sphere and to establish transparent procedures for the allocation of their regular support.

97. The Advisory Committee further encourages the authorities to take adequate measures, including through relevant training activities, to increase the access and presence of minority

¹⁵ According to the information received in February 2012, the total of allocations increased from 950,000 Grivna in 2009 to 1,345,000 Grivna in 2011 (approximately 125,000 EUR).

concerns in the print media, including those of numerically smaller groups, among others by encouraging the recruitment of journalists with a minority background into media outlets.

Article 10 of the Framework Convention

Language policy

Recommendations from the two previous cycles of monitoring

98. In the previous monitoring cycles, the Advisory Committee recommended that any efforts to develop a coherent language policy for Ukraine should be pursued in a transparent and participatory manner, paying increased attention to ensure that all measures to promote the State language pursued a legitimate public interest, and did not unduly restrict the free use of minority languages in public or in private.

Present situation

99. The Advisory Committee notes with concern that despite the submission and discussion of a number of drafts for language laws or concepts of national language policy, no legislative progress has been achieved since the adoption of its second Opinion. While a number of minority representatives contend that the overall language situation has improved since 2009, with more efforts being made by authorities to accommodate minority languages in public institutions (see comments in Article 14 below), the Advisory Committee is deeply concerned that the continued polarisation and division in society surrounding language policy issues appears to have prevented any tangible progress. The prolonged lack of a consistent and well-balanced language policy regulating the complex situation in Ukraine generates in turn further tensions and uncertainties within society. It is in particular worrying that all sides appear to fear for the protection of their language, including the representatives of the larger language groups, such as the Ukrainian and Russian speakers.

100. The Advisory Committee notes the particularly complex language situation, given that the majority of the population is at least bilingual (in the Ukrainian and Russian languages). While recognising the value and potential of bilingualism for society, the Advisory Committee notes, however, that the situation is reportedly 'asymmetrical', due to the favoured position of the Russian language as a general tool of communication. The Advisory Committee is concerned that the continued discussions among the two larger language groups deflect attention from the rights of persons belonging to the numerically smaller minorities, and shares the concerns of governmental and non-governmental representatives alike that the protection and promotion of one minority language should not be detrimental to other, smaller minority languages. A well-balanced and comprehensive legislative framework promoting the state language as the main language of communication while providing clear guarantees for the protection and use of all minority languages, including the numerically smaller ones, is urgently required to ensure full respect for the linguistic rights of persons belonging to national minorities.

101. Ukraine ratified the European Charter for Regional or Minority Languages in September 2005, which entered into force on 1 January 2006. The Advisory Committee notes with regret that the engagement of the Ukrainian authorities at the time of the second monitoring cycle to extend the protection of the Charter to the languages of numerically smaller minorities, such as the Armenian, Romani, Krimchak and Karaim languages, has not been followed up, despite the acknowledgement of the authorities that these languages need strong and urgent protective measures to prevent their extinction. It is essential that any future language policy or legislation be comprehensively discussed and agreed with representatives of all minority communities. The

Advisory Committee regrets in this regard that no such comprehensive consultations appear to have been conducted in the preparation of any of the draft laws that were submitted to parliament.

Recommendation

102. The Advisory Committee urges the authorities to redouble their efforts towards the development of a coherent legislative and policy framework regarding the use of languages, in order to provide clear legal guarantees for the protection and use of all minority languages, including the numerically smaller ones.. Comprehensive consultations must be conducted with all relevant groups to ensure that due attention is also paid to the concerns of persons belonging to numerically smaller minorities.

Use of minority languages with administrative authorities and in public life

Recommendations from the two previous cycles of monitoring

103. In the previous monitoring cycles, the Advisory Committee called on the authorities to review the relevant legislation and applicable thresholds for using a minority language in relations with administrative authorities, and introduce more objective criteria for the enjoyment of this right.

Present situation

104. The Advisory Committee notes that, given the above-mentioned stalemate in the development of new language legislation, the use of minority languages with administrative authorities is still governed by Article 8 of the 1992 Law on National Minorities, combined with Article 5 of the 1989 Law on Languages. The legislation in force thus still favours the Russian language over other minority languages, which can be used as the working language only in localities where the minority constitutes a majority. The Advisory Committee reiterates that this threshold is excessive in view of Article 10 of the Framework Convention and recalls that it generally recommends flexibility in the application of thresholds, including regarding low thresholds. In addition, it remains unclear to what extent this right also applies to written correspondence, as reports from representatives of the Russian population in the Crimea indicate that official responses to applications are only issued in the Ukrainian language.

105. In addition, the Advisory Committee remains concerned at the degree of discretion left to public bodies and civil servants in local authorities to decide on the spot whether to accept a communication in a minority language, as Article 5 of the Law on Languages provides the right to address public bodies “in a language acceptable to the parties”. While representatives of the Hungarian and Romanian minority report that minority language communication is accepted in some areas of compact settlement of minorities in the Transcarpathia and Chernivtsi regions where public officials are proficient in those languages (see comments on Article 15 below), Crimean Tatar minority representatives and those of numerically smaller minorities deplore that their language is not used in public bodies at all.

106. In addition, representatives of numerically smaller minorities fear that their languages are entirely disappearing from public life, as they are increasingly spoken only by the elderly and in rural society. This is due partially to the decrease in support for minority language cultural activities and newspapers (see comments on Articles 5 and 9 above) but, reportedly, is also linked to a general sense that the use of minority languages other than Russian is not encouraged. The Advisory Committee points out that in order to ensure that persons belonging to national minorities may freely use their minority languages in public, a conducive

environment must be established that welcomes such use as a contribution and reflection of Ukraine's multicultural society.

Recommendation

107. The Advisory Committee calls on the Ukrainian authorities to facilitate and encourage the use of all minority languages in relations with administrative authorities by lowering the applicable thresholds and favouring a flexible approach to their implementation. In addition, the authorities should take measures to create an environment conducive for the active use of minority languages in public life in general.

Article 11 of the Framework Convention

Personal names

Recommendations from the two previous cycles of monitoring

108. In the previous monitoring cycles, the Advisory Committee called on the authorities to review administrative practices concerning the recording of names of persons belonging to national minorities, and ensure that the practice of imposing Ukrainian versions of personal names without the explicit prior approval of the persons concerned was discontinued.

Present situation

109. The Advisory Committee regrets to have learned during its visit that the practice of imposing Ukrainian versions of names of persons belonging to national minorities in identity documents, or inserting them into birth certificates without the explicit prior approval of the persons concerned, appears to be ongoing. It regrets in particular that the relevant authority seemed unaware of the problem.

Recommendation

110. The Advisory Committee reiterates its call on the authorities to engage in targeted awareness-raising activities among the administrative authorities to ensure that they cease imposing Ukrainian versions of personal names without the prior and explicit approval of the person concerned.

Bilingual topographical indications and other inscriptions

Recommendations from the two previous cycles of monitoring

111. In the previous monitoring cycles, the Advisory Committee called on the authorities to pursue their efforts to restore traditional local names, street names and other topographical indications and to review the applicable legislation to facilitate this process.

Present situation

112. The Advisory Committee regrets that no progress has been reported since the second monitoring cycle. Article 38 of the Law on Languages still provides that topographical signs in a minority language may be inserted alongside the Ukrainian language version only in areas where the minority constitutes a majority of the population. The Advisory Committee reiterates its view that this threshold is excessive from the point of view of Article 11.3 of the Framework Convention. In addition, bilingual signs are according to minority representatives erected only in a few settlement areas, such as in the Transcarpathia and Chernivtsi regions, where Romanian,

Moldovan and Hungarian minority communities reside in substantial numbers. As regards the restoration of historical minority language names, the Advisory Committee is concerned by reports that city and village councils in the Crimea which, according to the Law on Local Self-Government are responsible for such decisions, had decided to put the question to public vote, which has prevented the return to old and historic Crimean Tatar names in a number of locations.

Recommendation

113. The Advisory Committee calls on the authorities to intensify their efforts to restore traditional local names and accommodate claims of minority communities for minority language topographical indications, and to review urgently the applicable legislation in the context of the current efforts to draft comprehensive language legislation.

Article 12 of the Framework Convention

Textbooks and teacher training

Recommendations from the two previous cycles of monitoring

114. In the previous monitoring cycles, the Advisory Committee invited the authorities to review the existing textbooks and curricula in consultation with minority representatives to ensure a better reflection of the history, culture and traditions of national minorities. It further recommended providing adequate financing for the development of quality textbooks, and ensuring that efforts to promote the use of the Ukrainian language in higher education did not unduly diminish possibilities to study certain subjects in minority languages or bilingually, particularly in view of the needs of minority language schools.

Present situation

115. The Advisory Committee welcomes the creation of a special council for consultations with national minorities under the Ministry of Education in 2010, which meets on a quarterly basis to discuss issues of concern with representatives of all minority communities. It was further pleased to observe, during its country visit, the acknowledgement by the Ministry of Education that the accurate reflection of national minorities and their history in textbooks constitutes an important contribution to the encouragement of tolerance and mutual respect in society, and that some initiatives for the promotion of inter-ethnic understanding in schools have begun. The Advisory Committee refers, for instance, to the introduction of a course on ‘good neighbourhood’ given on an optional basis in secondary schools. In addition, activities to ensure awareness and remembrance of the victims of the Holocaust have been extended to schools.

116. The Advisory Committee notes, however, reports by minority representatives that their portrayal in textbooks continues to be inadequate and frequently reinforces existing stereotypes against some minority groups. No comprehensive review of existing textbooks has been conducted with a view to reflect better the positive contributions of national minorities to Ukrainian history, accommodate multiple perspectives on history, or portray minority traditions and cultures in an objective manner. As regards the quality and quantity of minority language textbooks other than Russian, the Advisory Committee regrets to have received reports that, despite efforts taken by the authorities, provision of textbooks continues to be inadequate at all grades and particularly in secondary schools. This issue is of deep concern to parents when deciding whether to send their children to minority language schools. Textbooks for Crimean Tatar language education, for instance, exist only for grades one to four.

117. With regard to teacher training, the Advisory Committee welcomes efforts by the authorities to provide better educational training opportunities, particularly in the Transcarpathia region, where, for instance, a Pedagogical Centre for Hungarian language teachers was created in Uzhgorod in 2009. Representatives of the Romanian minority, however, are concerned that opportunities to study in the Romanian language at the University of Chernivtsi are limited to a small Romanian philology department, where teachers of Romanian language and literature are trained. This has resulted in a lack of multilingually trained teachers of mathematics and other subjects in Romanian language schools, which is of great concern to parents. At the same time, the quality of teaching methodology is reportedly still particularly lacking in minority language schools and requires urgent attention. The Advisory Committee welcomes in this regard efforts by the Ministry of Education of the Crimea to introduce modern bi- and multilingual teaching methodologies, including in the few Ukrainian language schools in the Peninsula.

Recommendations

118. The Advisory Committee calls on the authorities to engage, in close consultation with minority representatives, in a comprehensive review of textbooks and curricula to ensure that national minorities and their culture and history are adequately reflected. Attention should be paid to introduce a multiple perspective into history teaching, including through adequate textbooks.

119. In addition, the authorities must continue their efforts to ensure that a sufficient number of adequately trained teachers is available to meet the needs of minority language institutions, including for minority language education in subjects other than language or literature.

Roma children in schools

Recommendations from the two previous cycles of monitoring

120. In the previous monitoring cycles, the Advisory Committee urged the authorities to provide appropriate support, including financial, to pre-school education and other initiatives aimed at preventing absenteeism and drop-out rates among Roma pupils. In addition, it called for resolute steps to eliminate any discriminatory practices in the enrolment of Roma children into mainstream schools.

Present situation

121. The Advisory Committee notes with deep concern that the available figures on access to education and level of achievement of Roma pupils have not improved since the second monitoring cycle. Roma pupils, particularly girls, continue to experience high drop-out rates and those who graduate reportedly often do so without having gained literacy. Cases are also reported where Roma children cannot receive their school certificates due to lack of birth certificates (see comments on Article 4 above). The Advisory Committee is further deeply concerned by continued reports of segregation of Roma children in separate classes or schools. These separate Roma schools are, in addition, often reported to be in very poor condition, without educational or even sanitary facilities, which further impedes effective learning. Moreover, the Advisory Committee observed worrying attitudes among some of its governmental and non-governmental interlocutors implying that the under-achievement of Roma children in schools is due to parental neglect, rather than to poverty and social exclusion.

122. The Advisory Committee welcomes the efforts by regional authorities in Odessa and the Transcarpathia region to recruit Roma mediators and/or teaching assistants from the community to promote attendance of Roma children in schools. With the support of formal and informal

Roma community leaders, particular efforts have reportedly been made to enrol Roma children in pre-school education. This has somewhat alleviated the language problems faced by Roma children in schools in Western Ukraine, who often speak Romani at home. While these efforts are commendable, the Advisory Committee regrets that they appear still to be of an ad hoc nature and lack sustained financial support. There appears to be no comprehensive strategy to address the situation, nor an adequate awareness of the severity of the problems in accessing education faced by Roma children.

Recommendation

123. The Advisory Committee urges the authorities to take resolute and prompt measures, in close consultation with community representatives, to ensure that Roma children are offered equal access to quality education. Discriminatory practices must cease without delay and efforts must be made to integrate Roma children into mainstream education, including at higher level.

Article 14 of the Framework Convention

Teaching in/of minority languages

Recommendations from the two previous cycles of monitoring

124. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to start a broader reflection on the role and place of the teaching in/of minority languages in the overall educational system, including at higher level. Clear legal guarantees had to be introduced on the right to receive instruction in/of minority languages, while at the same time ensuring that all children achieve a full proficiency in the state language.

Present situation

125. Teaching in and of minority languages continues to be offered in Ukrainian state schools in the Crimean Tatar language, in Hungarian, Moldovan, Polish, Romanian and Russian languages. There are reportedly some 1,500 schools with minority language education in the country, over 1,000 of which are Russian language schools. The Advisory Committee notes, however, that representatives from all minority communities claim that the number of minority language schools, as well as the quality of education offered (see comments in Article 12 above) is in continuous decline, even in areas where the minority forms a significant part of the population. The Advisory Committee regrets, for instance, that there are only 15 Crimean Tatar language schools in the Crimea, and not a single Crimean Tatar pre-school, despite continued efforts by minority representatives in this regard. In addition, the Advisory Committee is concerned by the lack of adequate Crimean Tatar language textbooks, which in fact results in teaching of grades 5 - 11 being provided in the Russian or Ukrainian language, even in schools that are considered Crimean Tatar. Whilst the Advisory Committee received reports that the number of Russian language schools is also declining in the Crimea, where the Russian population constitutes the majority, the Advisory Committee remains concerned by the situation of the Ukrainian-speaking population, as places to study in one of the seven Ukrainian language schools, are reportedly far too limited to meet the needs of the population.

126. The Advisory Committee welcomes the changes made in 2010 to the procedure for the independent external school-leaver examination. Since then, students of minority language schools have been given a choice of taking their exams either in Ukrainian or in their language of schooling. Exams have reportedly been offered in the Russian, Romanian, Moldovan, Hungarian, Polish and Crimean Tatar languages. While minority representatives are pleased with these changes, they report continued problems with the quality of translation of the exams

into lesser used minority languages, which has prompted many minority language students to opt for examinations in the Russian language, despite this not being their language of schooling. In addition, minority representatives regret that all certificates are issued in the Russian language. The Advisory Committee expects that these obstacles to the organisation of school-leaver examinations in minority languages will be removed and that all minority language students will be equally able to choose freely their language of examination, and receive certificates in the corresponding language.

127. The Advisory Committee is concerned about the continued lack of legal certainty as regards access to education in minority languages, as there is still no precise legal framework with regard to educational rights. While the Constitution and the 1989 Law on Languages contain general guarantees relating to minority language education, the decision of whether to open a minority language class or school lies with the local authorities, according to the Law on Local Self-Government. The Advisory Committee learned that the local authorities are often hesitant to open or maintain minority language classes, mainly due to economic reasons. While decentralisation may often be better suited to meet local needs, the Advisory Committee is concerned about the lack of guidance on this issue from the Ministry of Education, which results in vastly differing levels of enjoyment of educational rights by persons belonging to national minorities, according to the willingness of the local authorities concerned. For example, Hungarian language classes are opened for six students in the Transcarpathia region. In contrast, the Advisory Committee noted a decision of the Belogovskiy Regional Council in the Crimea to open classes “in Ukrainian and other minority languages” for a minimum of 12 students in villages and 15 in cities.

128. In addition, the Advisory Committee was informed that there is no Romanian language instruction at all in 21 villages of Chernivtsi Oblast, inhabited mainly by Romanians, and that tendencies continue towards opening Ukrainian rather than Romanian language classes. Local authorities also continue to object the opening of Polish language classes, and Bulgarian language education continues to be limited to a few hours per week, even in areas of compact settlement of this minority. The Advisory Committee reminds the authorities that demand is a key element contained in Article 14 paragraph 2 of the Framework Convention with regard to the right of persons belonging to national minorities to receive education in minority languages. Moreover, it is of utmost importance that the criteria be applied in an equitable manner, in line with Article 4 of the Framework Convention, and that minority communities have an opportunity to challenge the refusal through an effective legal remedy.

129. The Advisory Committee welcomes the continued existence of a large number of additional educational centres, including Sunday schools, where languages of numerically smaller minorities are being studied, such as Gagauz, Azeri, Yiddish, Greek, Karaim, or Krimchak. The centres receive varying support from local authorities and are appreciated by minority representatives, despite the fact that their numbers are also decreasing (see also comments on Article 5 above).

Recommendations

130. The Advisory Committee urges the authorities to provide clear legal guarantees for the right of persons belonging to national minorities to receive education in and of their language. Objective criteria and guidelines for the enjoyment of this right should be established at national level, in close co-operation with minority communities as well as local authorities.

131. The Advisory Committee further calls on the authorities to ensure that the right to receive minority language education is granted in an equitable manner, in line with Articles 14

and 4 of the Framework Convention, and that the refusal to provide minority language education by local authorities can be subject to legal remedies.

Article 15 of the Framework Convention

Minority representation in elected bodies

Recommendations from the two previous cycles of monitoring

132. In the previous monitoring cycles, the Advisory Committee invited the authorities to consider removing legal obstacles to wider representation of national minorities and more effective participation of persons belonging to national minorities in elected bodies, in the context of a forthcoming review of the electoral system and the legislation on political parties.

Present situation

133. The Advisory Committee notes the ongoing electoral reform and the amendments of the Law on Parliamentary Elections, adopted in November 2011. It regrets that the numerous recommendations by international bodies for the introduction of a regional proportional system based on open lists and multiple regional constituencies, to allow for stronger regional, including minority, representation have not been taken into account.¹⁶ The Advisory Committee is in particular concerned by the reported lack of transparency in the drafting process of this law. Minority representatives regret the increase of the threshold from 3 to 5%, as well as the banning of electoral blocs, as such provisions may limit the possibilities of smaller or new political parties to enter parliament. In the view of most interlocutors of the Advisory Committee, including the Parliamentary Commissioner for Human Rights (hereinafter the Ombudsman), these steps reduce political pluralism and further limit the chances of minority communities to be presented in parliament.

134. In addition, the Advisory Committee regrets that no efforts have been made to develop mechanisms to implement Article 14 of the 1992 Law on National Minorities, which in principle provides for the entitlement of national minorities to designate their own candidates in elections. The 2002 Law on Political Parties continues to require that all political parties should be active nationwide and register in 17 out of 27 regions of the country, a requirement practically impossible to meet by small or regional parties of national minorities. In addition, there is still no obligation for the Central Election Commission to take the composition of the population into account when establishing the boundaries of electoral constituencies, despite the long-standing demand of minority representatives. The Advisory Committee reiterates its finding that this situation presents serious obstacles for persons belonging to national minorities to obtain representation in elected bodies and is not in line with the requirements to promote their full and effective participation in public affairs, as contained in Article 15 of the Framework Convention.

135. During its visit, the Advisory Committee learned that a parliamentary hearing related to national minority protection and inter-ethnic issues had been held on 11 January 2012. According to governmental and non-governmental representatives alike, this first-time event was considered highly useful, providing a rare opportunity for minority representatives to address parliament, and offered a welcome occasion for the legislature to obtain information on issues and concerns directly from minority representatives and relevant government organs. The Advisory Committee considers it very important that minority representatives be granted regular access to parliament and participate in discussions on issues of their concern, particularly in

¹⁶ See, among others, *The functioning of democratic institutions in Ukraine*, Council of Europe Parliamentary Assembly Report, Doc. 12814, 9 January 2012.

view of the limited opportunities for persons belonging to national minorities to achieve representation in parliament.

Recommendation

136. The Advisory Committee calls on the authorities to review comprehensively their electoral laws and ensure that the legislative framework contains effective mechanisms for persons belonging to national minorities to be adequately represented in elected bodies at all levels so as to participate fully in public affairs, in line with Article 15 of the Framework Convention. In addition, they should be granted regular access to parliament to ensure that their concerns are adequately taken into account.

Consultative mechanisms

Recommendations from the two previous cycles of monitoring

137. In the previous monitoring cycles, the Advisory Committee called on the authorities to increase efforts to ensure the effective consultation of all national minorities on relevant issues. The Advisory Committee further encouraged the State Committee and other state institutions to consult regularly the Council of Representatives of All-Ukrainian Minority Associations, as well as relevant Roma organisations, and to consider restoring a consultative body regarding the Crimea to ensure the participatory discussion of inter-ethnic issues in this region.

Present situation

138. The Advisory Committee notes that the Council of Representatives of All-Ukrainian Minority Associations continues to exist under the auspices of the Ministry of Culture, after the above-mentioned dissolution of the SCNR. However, it regrets receiving reports that the Council has been meeting irregularly since and that it is no longer granted access to high-level officials. It further notes that a number of so-called ‘civic councils’ have been established under different ministries, such as the Ministries of Justice and the Interior, consisting of civil society, including minority representatives, with a view to providing advice on relevant legislative drafts and policy developments. According to the interlocutors of the Advisory Committee, these councils function to a varying extent. Minority representatives consider unanimously, however, that they do not constitute adequate consultation mechanisms as they meet irregularly, are usually chaired by lower level ministerial officials, and do not appear to have any impact on decisions that are subsequently taken. While the Advisory Committee, in principle, welcomes the establishment of such councils, which can indeed serve as a platform for constructive discussions,¹⁷ it reminds the authorities that consultations must be conducted regularly and at appropriate level to ensure that they constitute useful mechanisms for persons belonging to all national minorities, including the Roma, to have an effective impact on decisions of relevance to them. In addition, it regrets that changes were reportedly introduced recently to the effect that legal status is granted only to councils established at national level, and not to the regional ones, which appears to limit unduly the relevance of consultative councils at regional level.

139. The Advisory Committee welcomes the extent to which the Council of the Crimean Tatar People under the President has functioned since 1999, giving an opportunity to representatives of the *Mejlis*, the executive body elected by the adult Crimean Tatar

¹⁷ The special consultative council for national minorities established under the Ministry of Education, for instance, seems to be serving as an effective consultative mechanism (see comments under Article 12 above).

population,¹⁸ to convey the concerns and views of their electorate to the Ukrainian President. It regrets, however, that the composition of this Council appears to have been altered unilaterally and without consultation with the *Mejlis* representatives in August of 2010, to include a majority of new representatives who are not elected but appointed by the government. The Advisory Committee regrets this development as it undermines the representative nature of this Council that has reportedly been functioning very well and enjoying wide respect and trust among the Crimean Tatar population. The Advisory Committee finds that decisions regarding the composition of advisory or consultative councils must be taken transparently and in close consultation with the relevant minority representatives in order to ensure that they constitute effective mechanisms to establish constructive dialogue with the minority community involved.

140. The Advisory Committee further notes that the Crimean Inter-Ethnic Council, a platform to discuss inter-ethnic issues with representatives of all communities, has still not been re-established. It is concerned by the frustration expressed by representatives of all communities in the Crimea, including the Ukrainian, who have not been able to meet government representatives of adequate seniority for a number of years to discuss issues of their concern, such as the increase in inter-ethnic hostilities in recent years (see comments on Article 6 above).

Recommendations

141. The Advisory Committee urges the authorities to ensure that the Council of Representatives of All-Ukrainian Minority Associations is regularly consulted on all issues pertaining to minority protection and is granted adequate opportunities to impact effectively on relevant decision-making processes. A similar consultative body should also be established in the Crimea to provide opportunities for all minority representatives in this region to access the relevant authorities regularly, and thereby enter into a constructive dialogue.

142. In addition, the Advisory Committee calls on the authorities to limit state interference in the composition and functioning of minority representative bodies to ensure that they effectively represent the views and concerns of the minority communities concerned.

Specialised governmental bodies

Recommendations from the two previous cycles of monitoring

143. In the previous monitoring cycles, the Advisory Committee called on the authorities to consolidate the governmental structures dealing with national minorities, in particular the State Committee on Nationalities and Religions, to achieve greater continuity, effectiveness and consistency in their work.

Present situation

144. The Advisory Committee regrets the dissolution of the SCNR at the end of 2010 (see Articles 4 and 5 above), which had worked since March 2007 as the main body dealing with issues pertaining to national minorities in Ukraine, replacing the former State Committee for Nationalities and Migration. The Advisory Committee shares the deep concern of minority and numerous government representatives that this development constitutes another relegation of national minority related issues within the administration. Formerly dealt with by a Ministry, this important responsibility has been transferred from a State Committee with some 200 staff to the 'Sub-department of national minorities and Ukrainian diasporas' within the Ministry of Culture, a division of 24 staff, of which only a few work on national minority protection. Indeed,

¹⁸ All adult Crimean Tatar people elect the *Kurultay*, a body consisting of 200 members which convenes regularly and elects the *Mejlis*, its permanent executive body, consisting of 33 delegates.

this development is widely seen as having left an institutional vacuum that neglects the fact that the concerns of a large number of minority communities in Ukraine go far beyond culture. According to the Ombudsman's Office, the dissolution of the SCNR has resulted in a sharp increase of applications to the Ombudsman from persons belonging to national minorities as well as minority associations. While welcoming the increased engagement of the Ombudsman's Office in issues pertaining to minority protection, the Advisory Committee agrees with many of its interlocutors that urgent action should be taken to re-establish a specialised government body with sufficient financial and human resources, in order to co-ordinate the relevant activities of various ministries concerning issues pertaining to national minority protection, such as language policy, education, social policy and land distribution.

Recommendation

145. The Advisory Committee urges the authorities to re-establish a specialised and stable government body with sufficient financial and human resources to co-ordinate all issues relating to national minority protection, in order to ensure transparency and build confidence that adequate levels of attention are paid by the state to minority protection issues.

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

146. In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure equal access of persons belonging to national minorities to the labour market and develop targeted policies, possibly including positive measures, to improve the situation in respect of groups such as the Roma and the Crimean Tatars. In addition, it called for resolute steps to provide effective health services to all minority communities and to address the problem of sub-standard housing and lack of basic infrastructure. Transparent legal norms governing land restitution to the formerly deported peoples, including the Crimean Tatars, had to be further developed in consultation with those concerned.

Present situation

147. The Advisory Committee deeply regrets that no significant developments have been made with regard to the effective participation of some national minorities in socio-economic life. While acknowledging that unemployment and poverty are a general concern in Ukraine, there are significant additional obstacles to accessing employment as well as adequate health services or housing for persons belonging to disadvantaged groups, such as Crimean Tatars and Roma (see also comments on Article 4 above), which are acknowledged by relevant authorities but not acted upon. The Advisory Committee remains deeply concerned by the high prevalence of tuberculosis and diphtheria among Roma children in the Transcarpathia region, for instance, which has not improved since the last monitoring cycle.¹⁹ In addition, it is of deep concern to the Advisory Committee that Roma continue to report that some doctors and medical centres refuse to provide them with necessary treatment. The fact that only very few Roma are in formal employment strengthens stereotypes and prejudice against them, which generates in turn reluctance to recruit them. The situation is exacerbated by the fact that educational achievement among Roma, particularly as regards women, has not improved.²⁰ The Advisory Committee

¹⁹ According to data gathered by the Renaissance Foundation, 15% of Roma children in the Transcarpathia region suffer from tuberculosis.

²⁰ See *Written comments of the European Roma Rights Centre and the International Charitable Organisation Roma Women Fund "Chiricli"* concerning the Republic of Ukraine, for consideration by CEDAW at its 45th session, February 2010.

considers this situation to be in urgent need of attention and comprehensive action by the authorities.

148. The Advisory Committee deeply regrets that the socio-economic situation of the Crimean Tatars appears also not to have improved since the second monitoring cycle. It underlines the continued lack of a legislative framework (see comments on Article 4 above) related to the restitution and compensation for the loss of over 80,000 private dwellings and 34,000 hectares of farmland following deportation. Some 85% of the Crimean Tatars living in rural areas were excluded from the process of allocation of agricultural lands to former workers of state enterprises, because they were deported prior to the functioning of the *kolkhozes* as of 1948. The lack of progress and reported break off in dialogue between the authorities and Crimean Tatar representatives concerning land issues, including as regards adequate compensation and questions relating to the unauthorised occupation of land, is of particular concern to the Advisory Committee, as it fuels hostility between different ethnic groups in the Crimea as well as within the Crimean Tatar population. Moreover, the fact that most of the Crimean Tatars were not able to return to their former places of residence situated mainly on the south-eastern coast of the Crimea, but forced to settle in the interior steppe region, which does not lend itself to their traditional economic activities, continues to hamper their effective participation in economic life. In addition, the Advisory Committee is further deeply concerned by the reported continued lack of adequate employment opportunities for Crimean Tatars in public office, particularly at higher level.

149. The Advisory Committee further notes the report of the Audit Chamber of Ukraine regarding the use of budget funds earmarked for the state programme for the resettlement of Crimean Tatars and other formerly deported peoples between 2009 and 2011, published in early 2012. Accordingly, the authorities failed to provide Crimean Tatars and other groups with sufficient housing and to create adequate conditions for their integration into Ukrainian society. Less than 60% of the earmarked state funding was allocated, and 65% of the allocations for the Crimea and Sebastopol were used in violation of the rules. As a result, only 625 families had improved their living conditions and 340 infrastructure, social and cultural facilities had remained unfinished.²¹ The Advisory Committee finds that resolute steps must be taken to remedy this situation and to ensure that the allocation of the limited funds earmarked for the resettlement and integration of formerly deported peoples must be regularly monitored and evaluated, in close consultation with representatives of the groups concerned, to ensure that the funds actually reach their beneficiaries.

Recommendations

150. The Advisory Committee urges the authorities to adopt comprehensive measures, in close consultation with relevant community representatives, to promote effectively the participation of Roma in socio-economic life. Particular efforts must be made to ensure adequate access to health services, housing, and employment, including through targeted vocational education and training.

151. The Advisory Committee further urges the authorities to step up their efforts to adopt clear legal norms governing the restitution of and compensation for land to Crimean Tatars and other formerly deported persons. In addition, targeted measures must be developed, in close consultation with minority representatives, to promote effective access to formal employment, including at higher level.

²¹ See Report of the Audit Chamber of Ukraine, published by the Interfax-Ukraine news agency on 23 January 2012.

Article 18 of the Framework Convention

Bilateral co-operation

Recommendations from the two previous cycles of monitoring

152. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue their efforts to co-operate with neighbouring countries to avoid undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

Present situation

153. The Advisory Committee notes that the bilateral agreements concluded with a number of neighbouring and other countries, such as with Hungary, contain clauses aimed at minority protection, including in the domains of education and cultural exchanges. It regrets, however, that the implementation of the bilateral agreement between Ukraine and Romania, which was monitored between 2006 and 2008 by a bilateral commission with the involvement of international observers, has remained problematic, despite a renewal of official bilateral contacts in 2011. An agreement on small border traffic, discussed by the Foreign Ministers in 2011, has still not been signed.

Recommendation

154. The Advisory Committee encourages the authorities to increase their efforts to establish and maintain positive relations with neighbouring countries, and to implement the existing bilateral agreements in a spirit of good neighbourliness, friendly relations and co-operation between states.

III. CONCLUSIONS

155. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Ukraine.

Positive developments following two cycles of monitoring

156. Ukraine has maintained a generally positive approach towards the Framework Convention and its monitoring system and has been co-operating constructively with the Advisory Committee. The authorities also continue to pursue a generally inclusive approach to the personal scope of application of the Framework Convention. Preparations are ongoing for the next population census, which has been postponed to 2013, including as regards the suitable training of enumerators.

157. Amendments to the Criminal Code were adopted in 2009, extending the list of offences for which racist motivation is considered an aggravating circumstance, and increasing the maximum sentence for crimes involving racial hatred. A draft Strategy to combat and counteract discrimination has been developed by the Ministry of Justice, and the Human Rights Monitoring Department within the Ministry of Interior has engaged in training and awareness-raising activities to improve the performance and accountability of law enforcement agencies.

158. Following the dissolution of the State Committee for Nationalities and Religions, the Ombudsman's Office has increased its engagement in issues pertaining to the protection of persons belonging to national minorities.

159. Continued support is provided to a range of national minority cultural activities, including the allocation of financial support from the Ministry of Culture to six minority language print media. The process of restitution of religious property to national minority communities is ongoing.

160. A special consultative council for national minorities was established under the remit of the Ministry of Education in 2010. It serves as a constructive platform for discussions on issues of concern to national minorities, such as those related to textbooks and their portrayal of minority cultures, as well as the language used in external school-leaver examinations. Positive changes were introduced in 2010 in this regard, and exams have since been provided in the seven languages of schooling. A pedagogical centre for Hungarian language teachers of all subjects was created in Uzhgorod in 2009, and efforts have been made to introduce bi- and multilingual teaching methodologies in a number of schools, including in the Crimea.

Issues of concern following two cycles of monitoring

161. No progress has been made with regard to the adoption of a comprehensive legal framework pertaining to minority rights. The applicable legislation remains outdated and inconsistent, as draft amendments to the 1992 Law on National Minorities were not adopted, nor was progress made with regard to the status of formerly deported peoples or the restoration of their rights. The dissolution of the State Committee for Nationalities and Religions at the end of 2010 is widely seen as having left an institutional vacuum as regards minority rights protection.

162. There is still no comprehensive data collection system to ensure that up-to-date and accurate data on the number and situation of persons belonging to national minorities provides the basis for the development and implementation of targeted measures aimed at promoting the full and effective equality of disadvantaged minority groups, in particular the Roma and Crimean Tatars. No comprehensive national plan for the promotion of full equality for the Roma

has been adopted, despite continued advocacy in this respect by minority representatives. Roma face persistent inequalities in a number of areas, including education, the provision of health services, housing and employment. There continue to be alarming reports about inequalities within the justice system.

163. Crimean Tatars as well as other formerly deported persons continue to face inequalities due to the continued lack of a legislative framework pertaining to the restitution and compensation for the loss of farmland suffered as result of the deportations. They often live in sub-standard conditions on unauthorised settlements with limited access to public services, utilities and infrastructure. Resolute steps must be taken to ensure that the dialogue between the authorities and Crimean Tatar representatives concerning land issues, including as regards adequate compensation and questions relating to the unauthorised occupation of land, is re-established and progress made in the solution of land and housing disputes.

164. Comprehensive anti-discrimination legislation has not been adopted. Relevant provisions of the Criminal Code aimed at adequately sanctioning racially-motivated crime are only rarely invoked. Inter-ethnic hostility and racially-motivated offences are increasing, particularly in Western Ukraine and the Crimea, and are sometimes fuelled by the local media as well as some politicians. Allegations of police misconduct and harassment, including as regards excessive use of force, against some minority groups in particular, continue to be reported. An independent complaints mechanism should be established to ensure that police misconduct is effectively investigated and sanctioned.

165. Clear criteria and transparent procedures for the allocation of financial support to the cultural activities of national minorities are still lacking which prompts the perception that support is granted arbitrarily and risks creating tensions between the various groups concerned. In addition, minority representatives do not have sufficient opportunities to participate in the decision-making processes on the allocation of support. Due attention should be paid to ensure that all minority communities, including the numerically smaller ones, have equal access to financial and general administrative support, including as regards premises for their organisations. More efforts must also be made with regard to the restitution of religious property to national minority communities, and due attention paid to the particular significance of religious buildings and monuments for their cultural and religious identity.

166. Russian language media are very present in the Ukrainian media space. The high language quotas imposed to promote the state language, however, affect disproportionately the languages of numerically smaller minorities, at times even preventing the broadcasting of minority language programmes. The procedure for the allocation of licences and frequencies is not always implemented in an equal manner, unduly affecting media outlets of numerically smaller minority communities. The support for minority language print and broadcast public sector media is considered insufficient to meet the needs of national minority communities. More efforts should be made to recruit minority representatives into the media and train mainstream journalists to ensure that they are more sensitive towards the concerns of national minority communities.

167. No progress has been made with regard to the adoption of a consistent and up-to-date legislative framework for the use of languages in Ukraine. Attention must be paid to ensure that discussions among the two larger language groups in Ukraine do not deflect attention from the numerically smaller minorities who require attention and support to ensure that they can effectively enjoy their linguistic rights. The threshold of 50% for the use of minority languages in relations with local authorities has not changed and remains too high. In addition, it is not coherently implemented in the areas of compact settlement of persons belonging to numerically

smaller minority communities. Flexibility should be applied and more efforts made to create a conducive environment for the use of all minority languages in public.

168. There is a continued lack of legal guarantees as regards the provision of minority language education. The decision on criteria for the opening of minority language classes is left to the local authorities, without guidance being provided by the Ministry of Education. This results in discrepancies in the levels of enjoyment of the right to minority language education in the different regions. There are only 15 Crimean Tatar language schools and seven Ukrainian language schools in the Crimea which is insufficient to meet the needs of the communities concerned. Minority language education in Western Ukraine is also considered insufficient, particularly as regards the Romanian and Polish languages. More efforts must be made to ensure that minority language institutions receive an adequate supply of textbooks, as well as in the area of teacher training for instruction in minority languages.

169. The situation regarding access to education for Roma children remains critical. While some efforts have been made at the local level, including with the support of Roma mediators, the absence of a comprehensive national plan prevents sustainable progress. Roma children, particularly girls, continue to experience high drop-out rates and experience under-achievement. Continued reports of segregation of Roma children in special classes or schools, which are in addition often reported to be in very poor condition, are of deep concern. Resolute and comprehensive measures must be taken, in close consultation with Roma representatives, to raise awareness among the relevant authorities and society in general on the specific concerns and needs of the Roma communities.

170. No efforts have been made to promote the opportunities of persons belonging to national minorities to be represented in elected bodies. Existing consultative councils where national minority representatives are included appear not to be consulted regularly, nor do they have an effective impact on decisions of relevance to them. The composition of the Council of the Crimean Tatar People under the President was unilaterally amended by the President which has resulted in a loss in confidence and dialogue between Crimean Tatar representatives and the authorities. Decisions regarding the composition of advisory or consultative mechanisms must be taken transparently and in close consultation with the minority communities concerned to ensure that they can constitute effective mechanisms to promote the participation of persons belonging to national minorities in public life.

171. The dissolution of the State Committee for Nationalities and Religions at the end of 2010 has resulted in an increase of applications to the Ombudsman's Office from persons belonging to national minorities as well as from minority associations. Urgent action should be taken to re-establish a specialised government body with sufficient financial and human resources, to co-ordinate the relevant activities of various ministries concerning issues pertaining to national minority protection, such as language policy, education, social policy and land distribution.

Recommendations

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action²²

- **Adopt without delay and in close consultation with national minority**

²² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

representatives a comprehensive legislative framework pertaining to national minority protection and the status and restoration of rights of formerly deported persons, including as regards access to land;

- **Take comprehensive and targeted measures to promote the full and effective equality of persons belonging to disadvantaged minorities, such as the Roma and Crimean Tatars, particularly regarding access to education and housing;**
- **Re-establish a specialised governmental body with sufficient financial and human resources to co-ordinate all issues relating to the protection of persons belonging to national minorities.**

Further recommendations²³

- Develop effective mechanisms for the collection of updated information outside the population census on the number and situation of persons belonging to national minorities, in close consultation with national minority representatives and with due respect for relevant international personal data protection standards;
- Reinforce efforts to return religious property to minority communities and establish objective and transparent criteria for the allocation of support to the cultural activities of national minorities;
- Take appropriate measures to adopt without delay comprehensive anti-discrimination legislation; redouble efforts to investigate effectively, prosecute where appropriate and sanction incidents of neglect or misconduct by law enforcement officials; condemn unequivocally any incitement to inter-ethnic hostility in the media and political sphere;
- Reconsider the imposition of rigid language quotas in the broadcast media and promote the broadcasting of minority language programmes, particularly as regards numerically smaller minorities; eliminate stereotyping of minorities and take measures to increase the reflection of the concerns of national minorities in the media;
- Step up efforts to develop a clear and coherent legislative framework for the use of languages and ensure that the promotion of widely spoken languages is not detrimental to the linguistic rights of persons belonging to numerically smaller minorities;
- Provide clear legal guarantees for the right to receive education in and of minority languages and regularly monitor their effective implementation; increase efforts to provide minority language institutions with adequate supplies of quality textbooks and strengthen opportunities for the training of minority language teachers;
- Take appropriate steps to create effective consultative mechanisms for persons

²³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

belonging to national minorities; ensure that minority representatives are involved in and have a substantial impact on all relevant decision-making processes affecting them; increase opportunities for persons belonging to national minorities to be represented in elected bodies.