

PC.DEL/856/04
14 September 2004

Statement
by H.E. Mr. Oleg Shamshur,
Deputy Minister for Foreign Affairs of Ukraine
at the OSCE Conference on Tolerance and the Fight against Racism,
Xenophobia and Discrimination

ENGLISH only

Mr. Chairman,
Distinguished participants,

I would like to start my intervention with expressing our appreciation of the efforts exerted by the Bulgarian presidency in order to raise our common awareness and determine the most efficient ways to address the pressing problems generated by the persistence and, in many cases, even the spread of intolerance, racism, xenophobia, discrimination and anti-Semitism.

Ukraine firmly believes that international community is being confronted - within this context – by a two-fold challenge: to combat and eradicate the said phenomena infringing upon human rights and fundamental freedoms, but also to elaborate the best methods and practices aimed at preventing their resurgence, governmental action being of key importance.

We fully understand both complexity and urgency of these tasks. Being a home to more than 130 ethnic minorities making more than 20% of the population, **Ukraine placed the objective of forming a pluralistic multicultural society where different nationalities and religions live together in harmony amongst the top priorities of construction of its newly independent State.**

To attain this goal **special attention was focused upon the creation of a solid legal and administrative framework** of securing rights of national and religious minorities as well as of combating discrimination in all its forms.

The Constitution, Criminal Code, Law on the National Minorities of Ukraine, other legislative acts have established the principles of equality and non-discrimination on the basis of race, colour of skin, political, religious and other beliefs, ethnic and social origin, linguistic or other characteristics, prohibited the dissemination of racial and ethnic hate propaganda and the creation of organizations and political parties that are based upon racial hatred or discrimination. Legal actions have been taken in our country against publications and organizations fomenting inter-ethnic and religious hatred.

To ensure adequate implementation of the active legislation the national monitoring mechanism has been set up as well. It includes the office of the Human Rights Ombudsman and the State Committee on Nationalities and Migration and its different branches at the regional and local levels. Important role in this respect is being played by the Parliamentary Committee on Human Rights, National Minorities and Inter-Ethnic Relations,

Being aware that the use of the legal and administrative levers is not sufficient to foster the harmonious development of inner-ethnic relations within the country, Ukrainian authorities have been persistently promoting a constructive dialogue with the organizations of ethnic minorities and different religious confessions. The Council of Representatives of the Organizations of National Minorities of our country has been established as advisory body for

the President of Ukraine to promote an effective cooperation between the Government, civic society and national minorities. There is also the Council of the Representatives of All-Ukrainian Public Organizations of the National Minorities that serves as an advisory body to the State Committee on Nationalities and Migration. All-Ukrainian Union of Churches and Religious Organizations was established to resolve relevant disputes by joining the efforts of the state and religious communities.

Additional measures to provide educational opportunities in minority languages as well as to familiarize the general public with culture, history, traditions and customs of ethnic minorities living in the country, encourage inter-ethnic, cross-cultural communication have been undertaken. To give you just one example, in Ukraine, there are 21 thousand schools where the education is being conducted in Russian, Romanian, Polish, Hungarian, Moldavian, Crimean Tatar or other minority languages.

However, we are conscious that the delicate fabric of inter-ethnic and inter-confessional relations might be damaged even if a singular manifestation of the ethnic, religious or other intolerance go unnoticed and does not meet an adequate response from the Government, public institutions, from the societal actors.

In the process of implementation of the **Maastricht Ministerial Decision** on Tolerance and Non-Discrimination Ukraine proceeds from the understanding that **review of existing legal acts** in the field of protection of national and other minorities, their strengthening and improvement should be carried out, practically, on a permanent basis.

Thus, in spite of the fact, that the Law of Ukraine “On the National Minorities” adopted in 1992 has been considered by international experts as one of the most advanced and accomplished laws of this kind in Europe, , the Ukrainian Government has elaborated a new version of this law to further enhance protection of the rights of minorities. This document contains some new important provisions such as legal definition of the national(ethnic) minority (Article 1), improved language concerning prohibition of any form of discrimination based on belonging to national (ethnic) minority as well as prohibition of and punishment for actions aimed at fomenting of inter-ethnic, racial or religious strife (Article 3).

Elaboration of the new draft laws, including “On Languages in Ukraine”, “On the Concept of the State Ethno-National Policy”, “On Restoration of the Rights of Persons Deported on the Basis of Nationality” is also under way in our country.

I do not want to sound overly optimistic, but we believe, that in spite of being a new democracy in the European family, Ukraine – through continuous and responsible actions - has managed to create a culture of tolerance and dialogue in its multi-ethnic society, that has made it possible to avoid any serious out-break of the ethnically or racially motivated violence.

Basing on this experience, that we are ready to share with other OSCE participating States, I would venture to propose some provisions that might **complement an important and valuable Decision 621**.

We are of opinion that the OSCE participating States and its institutions should:

- ensure permanent review of the national legislation to meet new challenges related to tolerance and the fight against racism, xenophobia and discrimination. This review may become a topic for a OSCE Human Dimension Implementation meeting;

- establish regional training programs for law enforcement and judicial officials focusing on the following areas: racism and discrimination in the workplace, racism in everyday life, the role of the media in promoting tolerance and non-discrimination, legal measures to combat racism, xenophobia and discrimination. It would be useful if the ODIHR provided appropriate co-ordination between these projects;
- create inside the ODIHR quick-reaction mechanism in order to address racism, discrimination and xenophobia related issues and situations in a timely fashion. Assistance and recommendations provided by this mechanism must be practical, constructive and result-oriented;
- pay more attention to collection and dissemination on a regular basis of the best practices and lessons learned in the fight against racism, xenophobia and intolerance by holding regular seminars in the countries with the best experience.

We think that the proposed measures together with other ideas, conclusions and recommendations of this Conference will contribute to full implementation of the fundamental values of the OSCE: tolerance, non-discrimination and respect for diversity.

Finally, I would like to inform the distinguished participants that in view of the positive impact of the celebration of the United Nations Year for Tolerance upon the promotion of tolerance and non-violence, the delegation of Ukraine in UNESCO has put forward the initiative *to declare the International Decade for the Promotion of Tolerance for 2006-2015*. Last month the Executive Board of UNESCO adopted the corresponding decision, and I hope that this initiative can+ be further supported by the OSCE participating States in the United Nations.

Thank you for attention.